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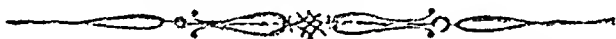
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[Eleventh Year  
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In matters Political, Social and  
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Jan.-June 1928.

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# Chronicle of Events.

## January 1928.

- 2 Jan. '28 Opening Day of the 15th Session of the Indian Science Congress held in Calcutta—Continued till 7th January.
- 3 Jan. do. Cotton Mill Strike in Bombay—18,000 downed tools as a protest against standardisation of Wages.  
Opening Day of the Eleventh Session of the Indian Economic Conference held at Lucknow under Mr. M. H. Darling—Continued till the next two days.
- 5 Jan. do. The Mahatma's impressions on the Madras Congress in "Young India"—The Hindu Muslim Unity as the most dignified answer to Birkenhead's insolent flouting on British might—The Independence Resolution hastily conceived and thoughtlessly passed—The Exhibition a scandalous creation in as much as it was a denial of the Congress spirit and in marked contrast to Khadi and Swadeshi Exhibitions.  
Public Meeting at Tilak Ghat, Madras under Mr. Kaleswar Rao urged the need for concerted action against the Simon Commission.
- 7 Jan. do. Fifth Session of the All-India Postmen and Lower Grade Staff Conference held in Bombay under the presidency of Mr. M. A. Jinnah and continued till the 9th.
- 8 Jan. do. 11th Provincial Adi Dravid Conference held at Gokhale Hall, Madras under the presidency of Mr. L. O. Gurusami—Co-operation with Simon Commission advocated.
- 9 Jan. do. Conference of Provincial Ministers opened in New Delhi by Sir Mahomed Habibullah.
- 11 Jan. do. The Legislative Council Presidents' Conference held in New Delhi under the Chairmanship of the Hon'ble Mr. Patel.
- 12 Jan. do. Executive Committee of the Bombay Indian Merchants' Chamber unanimously endorsed resolution passed by the Industrial Congress urging all commercial bodies to boycott the Simon Commission.
- 15 Jan. do. Fifth Convocation of Gujrat Vidyapith held at Ahmedabad amidst scenes of great oriental splendour—Rev. C. F. Andrews delivered convocation address.  
The All-Party Boycott Conference held at Benares under the presidency of Dr. Ansari unanimously decided to boycott the Statutory Commission and to observe a 'Hartal' throughout India on 3rd February, the day the Commission land in Bombay and to hold public meetings on the same day and pass resolutions condemning the Commission.
- 16 Jan. do. Opening Day of the C. P. Legislative Council and B. & O. Legislative Council.
- 17 Jan. do. Public meeting under the auspices of National Social Conference, the Servant of India Society and others held in Madras to support legislation against early marriage—Dr. Annie Besant presided.  
Monster meeting of 6,000 people of all classes held at Benares under Babu Bhagavan Das—Leaders appealed to observe hartal on 3rd February.  
Youth Week inaugurated at Ahmedabad by Rev. Andrews—Promotion of indigenous Scout movement urged.

- 18 Jan. '28 Calcutta Corporation protested against the omission of the Government to provide for the formation of an Urban Unit of the Indian Territorial Force in Calcutta in accordance with the Shea Committee's Report and urged upon the Government to rectify the same at an early date. The Campaign to prepare the ground for organising 'hartal' on 3rd February started in Bombay, Calcutta, Poona and other places in right earnest—the Provincial Congress Committees organised tours in districts with a view to rouse public opinion and make the boycott successful.
- 20 Jan. do. The O. P. Council—Mr. Biyani's motion for the boycott of the Simon Commission carried after a heated debate.
- 21 Jan. do. 1st Session of the Bombay Presidency Youth Conference held in Bombay with Mr. K. F. Nariman in the Chair.
- 22 Jan. do. Mr. Gandhi's resolution in the Kathiawar States Conference held at Forbunder to the effect that the Conference should not discuss matters concerning individual States or Princes was passed unanimously.
- 23 Jan. do. Ten thousand employees of the Lilloah workshop E. I. Railway downed tools owing, it was alleged, to some friction with the authorities—Subsequently the workers sent a petition demanding increase of wages. A deputation of the Burma People's Party waited on the Governor at Rangoon and urged abolition of illegal gambling, unrestricted sale of liquor and drugs, and the collection of Thathameda and Capitation Taxes, all of which, the deputation said, was due to the inactivity on the part of the Government to improve the condition of the people. Opening Day of the Madras Legislative Council—Supplementary demands moved and passed.
- 24 Jan. do. Madras Council—Swarajist motion for boycott of the Simon Commission carried after a heated debate.
- 27 Jan. do. Judgment delivered in the Harvey-Nariman Libel Case—Mr. K. F. Nariman acquitted on the ground of acting in good faith.
- 30 Jan. do. Judgment delivered by Calcutta High Court in the 'Statesman' Libel Case—Mr. Subhas Chandra Bose awarded Rs. 1000 damage.

## February 1928.

- 1 Feb. '28 Opening Day of the Council of State—Official Bills introduced in the Assembly—President Patel refused introduction of the New Reserve Bank Bill as it violated the propriety of the house and was an abuse of its privileges, as the old Bill was not yet withdrawn.
- 2 Feb. do. Ceylon Legislative Council adopted a motion for abolishing capital punishment in Ceylon. Viceroy's inaugural address in opening the Central Legislature in New Delhi.
- 3 Feb. do. All-India Hartal observed as a mark of protest against the Simon Commission—Bombay wore a deserted appearance when the Commission landed who were greeted with black flags and "Simon, go back"—A monster meeting of 50,000 in Bombay attended by Moderate leaders solemnly resolved to boycott the Commission in any shape or at any stage—In Madras the boycott demonstration was marked by disorderly scenes in different parts of the City necessitating police to open fire.

- 4 Feb. '28 Arrival of the Simon Commission in New Delhi—Sir John Simon told a Associated Press Representative that he had received about 300 telegrams of welcome.
- 6 Feb. do. Sir Basil Blackett's Statement in the Assembly introducing the old Reserve Bank Bill as amended by the Joint Committee.
- 7 Feb. do. Sir John Simon's Statement on the "Joint Conference" scheme issued in New Delhi—Party leaders of Assembly after careful consideration unanimously rejected the proposal.  
Gagging order issued in Madras prohibiting meetings, demonstrations and propaganda for hartal which were served on the members of the Boycott Propaganda Committee.  
Amidst impressive scenes the All-India Women's Conference on educational reforms opened in New Delhi by Lady Irwin.  
Opening day of the autumn session of the Bengal Legislative Council.
- 8 Feb. do. Sir Phiroz Sethna's resolution demanding publication of the Correspondence on the Statutory Commission lost in the Council of State.
- 9 Feb. do. Budget Session of the Burma Legislative Council commenced—Governor's opening address.  
Meeting of the Congress Working Committee in New Delhi—Madras gagging order condemned.  
Motion for circulation of the Age of Consent Bill agreed to in the Assembly.
- 10 Feb. do. The Reserve Bank Bill dropped in the Assembly—Sir Basil Blackett's statement setting forth the official reasons.
- 12 Feb. do. All-Parties Conference met in Delhi and continued till the 22nd February when it appointed a Committee to report on the constitution, franchise, and declaration of rights of the Commonwealth of India.
- 13 Feb. do. Sir Phiroz Sethna's resolution on the appointment of Trade Commissioner's carried in the Council of State.
- 15 Feb. do. A deputation representing the All-India Women's Conference waited on the Viceroy with a memorial urging legislative action to abolish child-marriage throughout India.
- 16 Feb. do. The historic debate on the appointment of the Simon Commission in Assembly—Lala Lajpat Rai's censure motion carried—Leaders' denunciation of Government policy.
- 17 Feb. do. Lord Birkenhead's ranting speech at Doncaster defying the Indian legislators and threatening the boycotters of the Simon Commission.
- 18 Feb. do. Second annual meeting of the Indian Chamber of Commerce held in Calcutta under the presidency of Mr. D. P. Khaitan.
- 19 Feb. do. The Maharaja of Nabha deprived of his title and allowance reduced owing to the alleged "disloyalty to Government" was mysteriously removed from Allahabad to Kodaikanal where he was ordered to reside.  
Arrival of the Simon Commission in Calcutta—Monster public meeting held in Shradhananda Park declared to boycott British goods as the first step for the attainment of Swaraj.
- 20 Feb. do. Budget Session of the Bombay Legislative Council—Governor's opening address.  
The Bengal Council—Finance Member's wail in presenting a deficit budget.  
Railway Budget for 1928-29 introduced in the Assembly—Surplus of ten and half crores—Reduction in fares announced.  
The Chamber of Princes opened by Viceroy in New Delhi—proceedings not open to the press.  
Opening day of the Budget session of the Punjab Legislative Council.
- 21 Feb. do. In the Assembly the Army Secretary's motion to refer the Navy Bill to a Select Committee rejected.

- 22 Feb. '28 Congress Working Committee in New Delhi issued instruction to the Madras Boycott Committee to postpone hartal on the 26th, the day of the arrival of Simon Commission, in view of the gagging order of the Government and to confine their activities to holding mass meetings condemning the Commission.  
Opening day of the spring session of the U. P. Legislative Council.
- 24 Feb. do. Mr. Kyaw Dan's motion of confidence in the Simon Commission passed unanimously in the Burma Council, the People's Party having walked out at the commencement of the debate.
- 25 Feb. do. Special Session of the All-India Depressed Classes Conference held in New Delhi under Rao Bahadur M. C. Rajah passed resolution advocating co-operation with Simon Commission.  
Mr. Mukandilal's motion of no-confidence in the Simon Commission passed after a heated debate in the U. P. Council.
- 29 Feb. do. Budget for 1928-29 presented in the Assembly—Surplus over two and half crores announced—provincial contributions abolished.  
British Section of League against Imperialism in London passed resolution supporting Indian attitude towards the Simon Commission and demanding withdrawal of Labour representation.

## March 1928.

- 1 Mar. '28 Campaign for boycott of British goods started in Calcutta—32 meetings were simultaneously held in 32 wards of the city where the message of boycott was preached.
- 3 Mar. do. Ten thousand ladies in a meeting in Calcutta took solemn vow to boycott British cloth.
- 4 Mar. do. Death of Baron Satyendra Prasanno Sinha of Raipur at Berhampore, Bengal.
- 5 Mar. do. Annual meeting of the Madras European Association held under Sir Alexander MacDougall.
- Mar. do. Meeting of the Executive Committee of the Federation of Indian Chamber of Commerce held in New Delhi.  
The Council of the All-India Muslim League in a meeting in New Delhi refused to accept the All-Party Conference formula on the question of Joint Electorates.
- 7 Mar. do. In the Bombay Council a non-official motion for adjournment of the house to discuss the Bardoli Satyagraha was disallowed.  
As a sequel to the No-confidence motion in the Madras Council the Ministers resigned—The resignation was accepted by the Governor the next day.  
In the Council of State the Income Tax Amending Bill as passed by the Assembly was passed.  
The Sken Recommendations whittled down—The Commander-in-Chief's Statement in the Assembly.

- 8 Mar. '28 In the C. P. Council Government sustained a series of defeats under voting on Budget grants.  
All-Parties Conference met in Delhi and continued till 11th when it appointed two Sub-Committees, one to enquire into the financial aspect of the separation of Sind and the other to consider the feasibility of proportional representation.
- 10 Mar. do. Mr. Jinnah's adjournment motion in the Assembly to discuss the Government's turning down of the unanimous recommendations of the Skecn Committee carried by 70 against 41.
- 12 Mar. do. In the Bengal Council Government sustained a defeat in the Land Revenue grant.  
In the Punjab Council a cnt motion demanding better treatment of political prisoners was carried.
- 13 Mar. do. In the Assembly Pandit Motilal Nehru's motion refusing the Simon Commission demand carried—Boycott decision reaffirmed.  
In the C. P. Council Mr. Kalikar's cnt motion for amnesty to prisoners convicted in connection with communal riots carried.  
Ministers' statement on resignation in the Madras Council owing to difference of opinion with the Chief Minister re. the Statutory Commission.
- 14 Mar. do. In the Punjab Council the Government motion to elect a committee to co-operate with the Simon Commission was carried after a prolonged debate.
- 15 Mar. do. Messrs. S. M. Mudaliar and M. R. Sethuratnam Aiyar were appointed Ministers of the Government of Madras.
- 16 Mar. do. In the Bengal Council Mr. A. C. Dutta's motion for refusal of Ministers salaries lost.  
The Finance Bill introduced in the Assembly and discussed and carried on the 19th.
- 18 Mar. do. Bombay Provincial Nationalist Non-Brahmin Conference held at Nasik under Mr. M. Manekji—Simon Commission denounced.
- 19 Mar. do. The Bombay University Bill with an amendment in the form of an additional sub-clause to the clause relating to the appointment of Visitor was passed in the Bombay Council.
- 20 Mar. do. Government defeated twice in the Bengal Council when two cuts were made in the Police Demand.
- 21 Mar. do. The No-confidence motion against the Ministers lost in the Bengal Council.
- 22 Mar. do. Madras District Congress Committee inaugurated campaign in favour of Boycott of British goods as an answer to the Simon Commission.  
The Finance Bill passed in the Council of State—The Swarajists walked out.
- 26 Mar. do. Opening day of the March Session of the Mysore Legislative Council in the New Council Hall, Bangalore.
- 28 Mar. do. Serious riot occurred near Bamongachoe Loco Workshop, three miles from Howrah in connection with the Lilloah Lock-out—Police opened fire resulting, it was reported, in two men killed and five injured.  
Opening day of the Budget Session of the Assam Legislative Council.
- 29 Mar. do. In the course of a leader the "Pioneer" of Allahabad wrote the following on the Simon Commission: "Despite the optimistic generalisations of Sir John Simon the "Pioneer" does not believe the preliminary visit of the Commission to India has been a success.....the support is sectional and spasmodic and by no means representative of political India.

- 31 Mar. '28 Departure of the Simon Commission from Bombay after completing their preliminary visit to India.

## April 1928.

- 2 Apl. '28 In the Calcutta Corporation Mr. B. K. Basu elected Mayor in succession to Mr. J. M. Sen Gupta defeating the only Swarajist candidate Mr. Subhas Chandra Bose by 46 to 37 votes—Disorderly scenes followed the election when the electric light failed and it was reported that some of the Councillors who voted against Mr. Subhas Bose were roughly handled.
- 5 Apl. do. Dr. G. V. Deshmukh, a Swarajist, elected President of the Bombay Municipal Corporation.
- 6 Apl. do. National Week celebrations commenced with a monster public meeting in Jallianwala Bagh, Amritsar.
- 7 Apl. do. The Bengal Provincial Conference held at Basirhat under Mr. J. M. Sen Gupta demanded among others Round Table Conference and Release of Political Prisoners.
- 8 Apl. do. Eleventh Session of the All-India Hindu Mahasabha held at Jubbalpore under Mr. N. C. Kelkar—Resolution on Hindhi Movement and Conversion of Non-Hindus urged.
- 9 Apl. do. The Assam Council elected a committee to co-operate with the Simon Commission, Congress members abstaining.
- 10 Apl. do. Independent Labour Party at its annual meeting held at Norwich expressed opposition to the procedure regarding appointment of the Simon Commission and pressed for a full recognition of Indian claims.
- 11 Apl. do. The Punjab Provincial Conference held at Amritsar under the presidency of Pt. Jawaharlal Nehru.
- 13 Apl. do. A strong appeal to the British to buy Indian products and strengthen the bonds of the Empire was made by Sir Atul Chatterje, the High Commissioner for India, speaking at the Rotary Club, West London. The Punjab Youth Conference adopted resolution supporting the League against Imperialism and expressing sympathy with the Chinese in their heroic war against European Imperialism.
- 16 Apl. do. Another Mill Strike in Bombay—Strikers complained of retrenchment and the introduction of the system of work on two sides of frame—20,000 men downed tools.
- 18 Apl. do. In celebration of the National Week Congress workers including ladies hawked Khaddar in Calcutta headed by Mr. Subhas Bose, President, B. P. C. O.  
In reply to the C. P. Government's invitation to submit a statement to the Simon Commission, the Yeotmal District Association regretted its inability to co-operate with the Commission in view of the boycott programme laid down by the Congress, the Assembly and the local Council.
- 19 Apl. do. About 35 Rolling Princes from all parts of India attended a private Conference held in Bombay on the eve of the arrival of the Butler Committee—Proposal for a Federal Council and the Indian Princes' Conference laid down.
- 21 Apl. do. Fourth session of the Bengal Provincial Hindu Sabha Conference held at Mymensingh under the presidency of Mahamahopadhyaya Pt. Pramathanath Tarkabhusan.

- 23 Apl. '88 Mill strike situation in Bombay took a more serious turn leading to firing of revolver shots by a Police Officer—21 Mills closed doors involving 30,000 strikers.  
Death of Mr. Maganlal Gandbi, the life and soul of the Khadi movement, in Patna.
- 24 Apl. do. The Bardoli Satyagraha—Confiscation notices on cultivators were the order of the day in Bardoli—Under the leadership of Mr. Vallabhai Patel people resolved to carry on Satyagraha till success was achieved.

## M a y 1 9 2 8 .

- 1 May '28 The Indian Community in Kenya rejected Government's overtures to secure their co-operation in the Legislature.
- 3 May do. Mr. Subhas Chandra Bose's appeal for unity in the Presidential address delivered at the Sixth Maharashtra Provincial Conference held at Poona.
- 4 May do. The summer session of the Punjab Legislative Council opened at Lahore.
- 5 May do. The Anglo-Indian and Domiciled European Community held a Conference in Calcutta to discuss the memoranda to be submitted to the Statutory Commission—Col. Gidney was appointed to represent the case of the community before the Commission.
- 9 May do. The Bamungachee shooting—Case against Police officials dismissed by Mr. G. S. Dutt, the District Magistrate of Howrah who passed severe strictures on the Military officer who opened the fire.  
In the Punjab Council a non-official resolution recommending military training and use of fire-arms for drills in Government Colleges carried.
- 16 May do. No-Tax campaign in Bardoli continued—As a protest to the indiscriminate attachment of property and repression launched by the Government Gujerat members of the Bombay Council resigned in a body.
- 19 May do. Adjourned Session of the All-Parties Conference met in Bombay under Dr. M. A. Ansari—a Sub-Committee appointed to meet in June.
- 21 May do. House of Lords passed the first reading of the Indian High Courts' Bill equalising the position of Barristers, advocates and pleaders under the Government of India Act;
- 27 May do. Fifth session of the Karnatak Provincial Conference held at Dharwar under the presidency of Mr. K. F. Nariman.  
First Kerala Youth Conference held at Payyanpur under the presidency of Dr. Varadarajulu Naidu.  
Karachi Youth Conference held under the presidency of Prof. Vaswami.
- 28 May do. Death of H. H. The Raja of Pudukottah in Paris.  
The Bombay Mill Strike continued—The International Workers' Congress unanimously adopted a motion promising assistance to the Indian Strikers.  
Fourth session of the Kerala Provincial Conference held at Tellicherry under the presidency of Pt. Jawaharlal Nehru.
- 30 May do. Opening day of the eleventh session of the International Labour Conference at Geneva—Continued till 17 June.

## June 1928.

- June 28 The International Labour Conference in Geneva unanimously adopted a resolution moved by Dewan Chaman Lal, Indian Workers' delegate to investigate the industrial housing and general living conditions of workers with a view to placing the matter on the agenda of an early session of the Conference.
- 8 June do. Rai Rajeswar Bali and Thakur Rajendra Singh, Ministers resigned in obedience to the verdict of the U. P. Council on the question of the boycott of the Simon Commission.
- 11 June do. Debate on the Director's Report in the International Labour Conference at Geneva—Indian Delegates' speech.
- 14 June do. First Assam Provincial Yonngmen's Conference held at Nowgong under the presidency of Mr. T. Phukan.
- 14 June do. On the motion of Lord Birkenhead the House of Lords passed the second reading of the Indian High Courts Bill.
- Raja Jagannath Bakh Singh and Maharaja Mahijit Singh appointed Ministers of the United Provinces Government.
- 16 June do. Shivaji Statue unveiled in Poona amidst scenes of oriental splendour—Governor of Bombay's tribute to the Mahratta Hero.
- Draft Convention of Minimum Wages passed in the International Labour Conference at Geneva.
- 17 June do. Death of Sir Alexander Muddiman, Governor of United Provinces.
- 18 June do. Death of Pt. Gopabandhu Das, an invaluable worker and philanthropist and a tried patriot of Orissa.
- 23 June do. The Punjab Legislative Council Committee's demand for equality of Status with the Simon Commission conceded by the Secretary of State.
- 24 June do. Publication by *Forward* of a memorandum issued by Sir Andrew Skeen setting out that India is ill-equipped in the essentials of war, that the policy of retrenchment has been definitely abandoned and that an additional sum of 8 crores has to be spent on modernisation of armaments and mechanisation of the army will cause considerable surprise and anxiety in the country.
- 28 June do. The Report of the Royal Commission on Agriculture issued in India.
- House of Lords passed the Third Reading of the Indian High Courts Bill without discussion—The Bill was then sent to the Commons.



# INDIA IN HOME POLITY

Jan.-June 1928.

# The All-Parties Conference

The report of the Committee appointed by the All-Parties Conference to determine the principles of the constitution of India bears on it marks of anxious and careful thought and the desire to be fair to all parties and communities constituting the population of India. It may be easy enough to quarrel with some or other conclusions of the Committee but it will not be so easy to suggest alternatives. The problem is full of difficulties and the Committee had not only to consider all sides of a question but had to try their best to reconcile almost irreconcilable view-points. They have performed their task in a manner which entitles them to the gratitude of the nation.

The report is signed by Pt. Motilal Nehru, Sir Ali Imam, Sir Tej Bahadur Sapru, Mr. M. S. Aney, Sardar Mangal Singh, Mr. Saib Qureshi, Shri Suhbas Chandra Bose and Mr. G. R. Pradhan. These gentlemen constituting the Committee represent, so far as it is possible for a small Committee like this to represent, all important parties and communities in India.

The Committee have accepted Dominion Status as the basis of the constitution for India. There is no doubt that a strong section of Indian public opinion would have nothing short of complete independence and the Congress itself at its last session accepted independence as the goal of India. But in as much as the Committee is not a Committee of the Congress, but that of the All-Parties Conference, it had to proceed upon maximum agreement. The Committee have pointed out that the communal aspect though it has overshadowed politics is not the essential problem in relation to the future constitution of India. The communal problem is primarily the Hindu-Muslim problem but if the proportions of Hindus and Muslims are taken into consideration, it would appear quite plain that neither of these communities require any special protection or spoon-feeding. But since logic or sense has little to do with communal feeling the whole problem has resolved itself in the removal from the minds of each of a baseless fear of the other and of giving the feeling of security to all communities. The only methods of giving a feeling of security, say the Committee, are safeguards and guarantees and the grant, as far as possible, of cultural autonomy. The clumsy and objectionable method of separate electorate and Reservation of seats do not give this security. They only keep up an armed truce.

The Committee have considered various alternative schemes that have been suggested to give special protection to the minority communities, including a fantastical scheme of Communal Councils. The Committee have definitely come to the conclusion that special electorates, if had for the majority community, are worse for a minority community.

The Committee has rejected communal representation for the majority community in any province. They point out that the majority in Bengal and in the Punjab, namely, the Muslims do not require at all special communal representation. They refer to the elections to the District Boards that have taken place in some of the Bengal districts where the Hindus have simply been swept off the Boards in spite of their being a substantial minority of the population. The wealth and education of the Hindus have been of no assistance to them in these elections. In fact the result of these elections has been so striking that "Muslim opinion is now veering round the Mixed Electorate." In the Punjab also, the same thing is taking place. What has taken place in the District Board elections, is bound to take place in Council elections. On a system of joint electorate, the Muslims are likely to get not only representation on the full strength of their population, but more.

While discarding communal representation for the majority community, the Committee have, however, as a temporary measure, agreed to give communal representation in proportion to their population of the Muslims in provinces other than Bengal and the Punjab. Thus in the U. P., C. P., Behar, Bombay and Madras, the Muslim minorities will have communal representation on the basis of their respective populations in these provinces. The Committee, however, would not give the same privilege to the Hindu minorities in Bengal and the Punjab on the ground that the Hindu minorities in these provinces are strong enough to protect their own interests which is not the case with the Muslim minorities in the other provinces. The facts and figures given in the Appendices A, B and C of the Report show that the Hindu minorities in the provinces of Bengal and the Punjab, should have representation on the basis of population on the same principle as the Muslim minorities in other provinces. The Committee admit that "the

Hindu and Sikh minorities may have their representation even reduced below their population ratio." "This," in the opinion of the Committee, "is a possible and indeed likely contingency." "But it is impossible to provide for such contingencies. The safest and the most obvious course is to have an open election with such safeguards as we can devise."

The Committee have however taken into consideration these contingencies and say that proportional representation is the solution of the problem. They have ably disposed of the objections against proportional representation, but have refrained from recommending it as "some of our colleagues are not satisfied that proportional representation can be introduced at this stage in India."

While providing for communal representation for Moslem minorities in the provinces the Committee have declined to make similar provisions for non-Brahmins, Depressed Classes, Christians, Sikhs, Jains and other small communities. The Sikhs have, of their own accord, sacrificed their right to have special representation on the same principle as the Moslem minority community in the provinces. The Committee have spoken, in the highest terms of this spirit of the Sikhs. The non-Brahmins being a majority population in Madras where the problem is acute need no protection. The Depressed Classes, Christians and others require, in the opinion of the Committee, special educational and other facilities to remove all obstacles in the way of their advance than special representations in the legislature. The Committee would not extend the vicious principle of communal representation, but confine it to the Moslems; for the communal problem is primarily a Hindu-Moslem problem. This system of special representation or reservation of seats is, however, to disappear automatically at the end of ten years and earlier if the Moslem community agree.

The Committee have rejected the proposal of reserving one-third of the seats of the Assembly for the Moslem community. The Committee point out that the Moslems are a little less than one-fourth of the population of India. Consistently therefore with the principle the Committee have accepted for the provinces, the Moslems are not entitled to have representation more than their population warrants. The Committee agree to reserve for them one-fourth of the seats in the Assembly and this reservation, as in the case of provincial representation, is to exist for the maximum period of ten years. The Committee while reserving seats for Moslem minorities in the provincial legislatures and in the Assembly have however given them the liberty to contest for the remaining seats.

These concessions to Moslem prejudices may be resented by other minority communities, but the Committee had to make compromises without the sacrifice of essential principles, reconcile conflicting views and secure a maximum agreement." Vide A. B. Patrika.

The following is the report of the Committee appointed by the All-Parties Conference to determine the principles of the constitution of India :—

## Text of the Report.

### CHAPTER I.

The Committee, whose report we have the honour to present, was appointed by the All Parties Conference at its meeting held in Bombay on May 19th, 1928 in terms of the following resolution :—

The All Parties Conference will meet again early in August, 1928 to consider the Committee's report.

"This meeting resolves that a Committee consisting of Pandit Motilal Nehru as Chairman, Sir Tej Bahadur Sapru, Sir Ali Imam, Syt. Pradhan, Syt. Shuaib Qureshi, Syt. Subhas Chandra Bose, Syt. Madhavrao Aney, Syt. M. R. Jayakar, Syt. N. M. Joshi and Sardar Mangal Singh be appointed to consider and determine the principles of the Constitution for India before 1st July next; the Committee to circulate the draft among various organisations in the country. This Committee shall give the fullest consideration to the resolution of the Madras Congress on Communal Unity in conjunction with those passed by the Hindu Mahasabha, the Muslim League, the Sikh League and the other political organisations represented at the All Parties Conference at Delhi and the suggestions that may hereafter be received by it; the Committee will give due weight to the recommendations made by the various sub-committees of the All Parties Conference at Delhi."

Before dealing with the work of this Committee it may be desirable to refer to some of the events leading up to the appointment of the Committee.

**Brief History.**

The Gauhati session of the National Congress met in December, 1926, in the shadow of a great tragedy, (murder of Swami Shraddhanand) when differences and

**Gauhati.**

conflicts between Hindus and Muslims were at their height. The Congress passed a resolution calling upon "the Working Committee to take immediate steps in consultation with Hindu Mussalman leaders to devise measures for the removal of the present deplorable differences between Hindus and Mussalmans and submit their report to the All-India Congress Committee not later than the 31st March, 1927."

In compliance with these directions the Working Committee and the Congress President for the year held several informal Conferences with Hindu and Muslim leaders and members of the central legislature.

On the 20th March, 1927 some prominent Muslim leaders met together in Delhi and put forward certain proposals on the Hindu-Muslim problem for the accep-

**The Muslim Proposals.**

tance of the Hindus and the country. These proposals, which have come to be known as the "Muslim proposals," laid down that Mussalmans were prepared to agree to joint electorates in all provinces and in the central legislature provided :—

- (i) Sind was made into a separate province.
- (ii) The N. W. F. Province and Baluchistan were treated on the same footing as the other provinces.
- (iii) In the Punjab and Bengal the proportion of representation was in accordance with the population.
- (iv) In the central legislature Muslim representation was not to be less than one third.

These proposals were communicated to the Congress, and the Congress Working Committee the very next day passed a resolution appreciating the decision of the Muslim Conference to accept joint electorates and trusting that a satisfactory settlement would be arrived at on the basis of these proposals. A sub-committee was appointed to confer with Hindu and Muslim leaders.

The Congress Working Committee met again in Bombay from the 15th to the 18th May, 1927 and passed a lengthy resolution on the Hindu-Muslim question. This resolution proceeded on the basis of the Muslim proposals but was more detailed and dealt with some other matters also.

**Working Committee.**

The All-India Congress Committee which met in Bombay on the same dates unanimously adopted the same resolution with minor alterations. The principal change suggested on behalf of the Hindu leaders present was that Sind should not be separated on communal grounds but on general grounds applicable to all provinces. A change in the wording of the resolution removed this objection and it was passed unanimously.

**A. I. C. C.**

This meeting of the All-India Congress Committee also passed a resolution calling upon "the Working Committee to frame a Swaraj Constitution based on a declaration of rights, for India in consultation with the elected members of the central and provincial legislatures and others of political parties."

**Swaraj Constitution.**

In October 1927, the A. I. C. C. again passed a resolution on Hindu-Muslim Unity but this dealt with the religious and social aspect of the question.

The Madras Congress considered the Hindu-Muslim question in its entirety and passed a lengthy resolution, dealing with both political and religious and other rights, on the general lines laid down earlier in the year by the A. I. C. C. The Congress further passed the following resolution on the Swaraj Constitution :—

**Swaraj Constitution.**

"Having regard to the general desire of all political parties in the country to unite together in setting a Swaraj Constitution, and having considered the various drafts submitted to it and the various suggestions received in reply to the Working Committee's circular, this Congress authorises the Working Committee, which shall have power to co-opt, to confer with similar Committees to be appointed by other organisations—political, labour, commercial and communal—in the country and to draft a Swaraj Constitution for India on the basis of a Declaration of Rights, and to place the same for consideration and approval before a Special Convention to be convened in Delhi not later than March next, consisting of the All-India Congress Committee and the leaders and representatives of the other organisations above-mentioned and the elected members of the central and provincial legislatures."

Immediately after this the annual session of the Liberal Federation held in Bombay passed resolutions "cordially appreciating the earnestness of the distinguished Muslim members who have put forward the scheme for the settlement of outstanding differences between the Hindu and Muslim communities," and suggesting that "the various items of the proposed settlement should be discussed at an early date by the duly elected representatives of the communities in a spirit of genuine co-operation as will lead to complete agreement."

A few days later the Muslim League met in Calcutta and passed a resolution authorising the Council of the League to appoint a sub-committee "to confer with the Working Committee of the Indian National Congress and such other organisations as the Council may think proper for the purpose of drafting a constitution for India in which the interest of the Muslim community will be safeguarded" in the manner stated in the Delhi proposals of 1927 referred to above.

In compliance with the directions contained in the Madras Congress resolution the Working Committee of the Congress issued invitations to a large number of organisations. Among these we might mention :—

National Liberal Federation; Hindu Maha Sabha; All-India Muslim League; Central Khilafat Committee; Central Sikh League; South Indian Liberal Federation; All-India Trade Union Congress; General Council of all Burmese Associations; Home Rule League; Republican League; Independent Party in the Assembly; Nationalist Party in the Assembly; Indian States Subjects Association; Indian States Subjects Conference; Indian States Peoples Conference; Anglo-Indian Association; Indian Association of Calcutta; Parsi Central Association; Zoroastrian Association; Parsi Rajkeya Sabha; Parsi Panchayat; All-India Conference of Indian Christians; Southern India Chamber of Commerce; Dravida Mahajana Sabha and the Landholders Associations of Oudh, Agra, Behar, Bengal and Madras.

Subsequently at Bombay invitations were also issued to the Bombay Non-Brahman Party, the Nationalist Non-Brahman Party, the Communist Party of Bombay and the Bombay Workers' and Peasants' Party.

Many of these organisations sent representatives to the Conference which held its first meeting on February 12th 1928 at Delhi. The Conference continued its meetings from day to day till the 22nd February.

The first question discussed by the Conference was the objective to be aimed at in the constitution. It was proposed that the constitution should aim at establishing what is called a dominion form of government in India. Objection was taken by some members to this on the ground that the Congress had decided in favour of independence as the goal and no lesser goal should be aimed at. It was evident however that all the parties represented in the Conference were not prepared to go so far. Thereupon it was suggested that a formula might be agreed to which would include both the view points. "Dominion Status" has come to mean something indistinguishable from independence, except for the link with the Crown. The real difference between the two is a difference in the executive. It was possible to lay down general principles governing the entire constitution without deciding at that stage the question of the executive. The proposal to adopt the formula of "full responsible Government" was therefore accepted, with the clear understanding that those who believed in independence would have the fullest liberty to carry on propaganda and otherwise work for it. The first resolution of the Conference ran thus:—

"The Constitution to be framed providing for the establishment of full responsible Government."

The Conference also passed resolutions dealing with the re-distribution

First Committee.

of provinces, the electorates and reservation of seats. On the 22nd February, 1928 the

Conference appointed a committee with instructions to report on the following subjects; whether the constitution should be bi-cameral or uni-cameral; franchise; declaration of rights; rights of labour and peasantry and Indian States. Having appointed the committee the Conference adjourned. The committee presented their report within the period fixed for it and the Conference met again at Delhi on March 8th 1928. Meanwhile the Council of the Muslim League had met and expressed its disapproval of the resolutions of the All Parties Conference. The Council further laid down that its representatives "should press the representatives of various organisations to accept the proposals embodied in the resolution of the League Sessions of 1927 Calcutta and report the final result to the Council for such action as they consider proper before proceeding with the framing of the Constitution."

This resolution of the Muslim League Council placed a difficulty before the Conference. In accordance with its provisions the report of the Committee could not be considered by the representatives of the Muslim League so long as their other proposals had not been accepted in their totality or the League Council was not consulted again for directions.

The Conference met under this handicap. There was considerable

March 8th 1928.

discussion on the communal issues and it was found that there was no agreement between

the representatives of the Muslim League and the Hindu Maha Sabha on the separation of Sind and on reservation of seats for majorities. The Sikhs were also strongly opposed to the latter claim. Thereupon on March 11th, 1928 the Conference appointed two sub-committees. One of these was to enquire into the financial aspect of the separation of Sind, and the other was to consider the feasibility of the system of proportional representation,

## THE ALL-PARTIES CONFERENCE

The report of the committee appointed on February 22nd could not be considered owing to the decision of the Muslim League representatives not to take part in the discussion. The Conference ordered the report to be published and circulated, and stood adjourned till the 19th May, 1928.

Early in April the Hindu Maha Sabha met in conference in Jubbulpore and adopted resolutions of strong disagreement with some of the Muslim proposals.

Thus when the All Parties Conference met again on the 19th May, 1928

### Bombay Meeting.

in Bombay the situation was not a promising one. The communal organisations had drifted further apart and each of them had hardened in its attitude and was not prepared to change or modify it. The two sub-committees appointed at Delhi on Sind and Proportional Representation had presented no report.

There being no likelihood of an agreed and satisfactory solution at that stage, it was thought that a small committee viewing the communal problem as a whole and in its relation to the constitution might succeed in finding a way out. The resolution quoted at the beginning of this report was thereupon passed.

The Committee had to be a small one if it was to work properly. It was

### The present Committee.

not possible to represent all interests on it, but an endeavour was made to have spokesmen of some important view points. Sir Ali Imam and Mr. Shuaib Qureshi were to express the Muslim point of view; Mr. M. S. Aney and Mr. M. R. Jayakar, the Hindu Maha Sabha's attitude; Mr. G. R. Pradhan, the Non-Brahman view; Sardar Mangal Singh represented the Sikh League; Sir Tej Babadur Sapru, the Liberal view point and Mr. N. M. Joshi the interests of Labour.

Of the ten members of the Committee elected by the Conference, Mr. M. R. Jayakar expressed his inability to act on it. Mr. N. M. Joshi stated that he could only take part when the rights of labour were being considered. As a matter of fact he was unable to be present at any sitting of the Committee. Owing to ill-health Sir Ali Imam could only attend one sitting at great personal inconvenience and his presence at that sitting was most helpful. He has also been available to us for consultations from time to time. Mr. Pradhan attended the meetings of the Committee up to the 12th June.

The Committee was called upon to report before the 1st July but in spite

### Delay in Report.

of every effort to complete the work in time the Committee was unable to adhere to the timetable laid down. From June 5th onwards the Committee met almost daily for several hours at a time. It held 25 sittings besides informal conferences.

The Committee although a small one consists of members belonging to

### Maximum agreement.

different political schools and to different communal groups. Under the terms of its appointment it was called upon to give the fullest consideration to a number of resolutions passed by various organisations, some of them being opposed to each other. There were two formidable difficulties in the way of complete or even substantial unanimity. The first arose from the difference in the general outlook of the Congress and that of the other organisations, the former having at its last session adopted a resolution declaring independence as its goal and the latter aiming at dominion status; the second from the widely differing angles of vision from which the various communal organisations viewed their political rights,

The Committee had to face the first difficulty right at the beginning. At Delhi a phrase capable of a double interpretation—"full responsible Government"—was used to avoid a decision on the question of dominion status or independence. The Committee felt however that it would be difficult to draw up even the principles of the constitution unless this question was decided at least so far as the draft constitution was concerned. Some members of the Committee desired to adhere to the position taken up at Delhi but a majority was of opinion that a choice had to be made. This choice, in view of the circumstances mentioned above with so many different parties co-operating, could only be one—dominion status. On any higher ground a general agreement was not obtainable. "The majority of the Committee" were therefore "of opinion that the terms of reference to them require the Committee to consider and determine the principles of a constitution for full responsible Government on the model of the constitutions of the self-governing dominions." The principles of the constitution which we have suggested are therefore meant for a dominion constitution but most of them of course can be applied in their entirety to a constitution of independence. Our deciding, as a Committee, in favour of such a constitution simply means that the maximum degree of agreement was only obtainable on this basis. It does not mean that any individual Congressman, much less the Congress itself, has given up or toned down the goal of complete independence. Those who believe in this goal retain the fullest right to work for it. But the maximum agreement thus reached will, we trust, serve as a satisfactory basis for a constitution which all parties can unite to work without prejudice to the right of any party or individual to go further ahead.

As to the second difficulty, from the constitutional point of view the communal controversies are of no very great importance. But, whatever their relative importance might be, they occupy men's minds much more than matters of greater import and cast their shadow over all political work. We thus find ourselves face to face with a number of conflicting resolutions and recommendations all of which are equally entitled to our respect. But when we find that the view of the Madras Congress and the Muslim League is diametrically opposed to that of the Hindu Maha Sabha and the Sikh League, we must respectfully express our inability to accept either in its entirety. Indeed the very fact that we are called upon to determine the principles of the constitution after considering these divergent views shows that we are expected to exercise our own judgment in the matter and make such recommendations as are in our opinion most conducive to the political advancement of the country. We realise that our recommendations however sound and expedient they may be can have weight and effect only to the extent that they are acceptable to all the principal parties concerned. The only hope for an agreed constitution lies in finding the basis for a just and equitable compromise between all the parties after a full and fair consideration of all the circumstances. The Committee has spent a great deal of time and labour in the endeavour to find out such a basis, and has had the benefit of the advice of a number of prominent Hindu and Muslim leaders who, on the invitation of the chairman, attended some meetings of the Committee and rendered most valuable assistance. The result of that



endeavour is presented in the following pages in the hope that it will be received by the parties concerned in a generous spirit and with the single view of helping each other to lift up the nation from the depths to which it has sunk by mutual distrust and dissension.

Among those who responded to the chairman's invitation were Dr. Ansari, Pandit Madan Mohan Malaviya,

#### Acknowledgments.

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### CHAPTER II.—THE COMMUNAL ASPECT.

The communal problem of India is primarily the Hindu-Muslim problem. Other communities have however latterly taken up an aggressive attitude and have demanded special rights and privileges. The Sikhs in the Punjab are an important

#### The Problem.

and well knit minority which cannot be ignored. Amongst the Hindus themselves there is occasional friction, specially in the south, between non-Brahmans and Brahmins. But essentially the problem is how to adjust the differences between the Hindus and Muslims.

#### Population ratios.

These two communities indeed form 90 per cent. of the total population of India and Burma. The proportions at the 1921 census were :—

Hindus	...	...	...	...	65.9 per cent.
Muslims	...	...	...	...	24.1 "
Buddhists (chiefly in Burma)	...	...	...	...	4.6 "
Tribal religions (in hill tracts)	...	...	...	...	2.8 "
Christians	...	...	...	...	1.2 "
Sikhs	...	...	...	...	1.0 "
Jains	...	...	...	...	.2 "
Others	...	...	...	...	.2 "
					<hr/>
					100.0 "
					<hr/>

A study of the figures of previous census reports shows that while Hindus and Jains have been gradually decreasing, all the others have increased their numbers from census to census. The increase in the case of Muslims has not been great but it has been continuous. The following percentages since 1881 will show the relative numbers of the Hindus and Muslims at different periods :—

	1881	1891	1901	1911	1921
Hindus	...	72.0	70.1	68.3	66.9
Muslims	...	22.6	22.4	23.2	23.5
					65.9 = -6.1
					24.1 = +1.5

These are the percentages in relation to the whole of India. Taking the Muslims separately we find that they have increased by 3.1 per cent. during the last decade. The Hindus have slightly decreased during this period.

The distribution of the Muslim population is such that except in the frontier provinces in the north-west, and in Bengal and the Punjab, they form a small minority everywhere. Their highest minority is in the United Provinces but even here it is less than 15 per cent. This 15 per cent. in the United Provinces is not spread out all over the province, but is largely concentrated in urban areas, specially in the northern part of the province.

In the Punjab, the Muslims are 55·3 per cent. and in Bengal 54·0 per cent. In Sind they are 73·4 per cent. and in Baluchistan and N.-W. F. Province they are overwhelmingly strong.

A new comer to India looking at these figures and at the strength of the Muslim community, would probably imagine that it was strong enough to look after itself and required no special protection or spoon feeding. If communal protection was for any group in India it was not for the two major communities—the Hindus and the Muslims. It might have been necessary for the small communities which together form 10 per cent. of the total.

But logic or sense have little to do with communal feeling, and to-day the whole problem resolves itself into the removal from the minds of each of a baseless fear of the other and in giving a feeling of security to all communities. In looking for this security each party wants to make for itself or to retain, a dominating position. We note with regret that the spirit animating some of the communal spokesmen, is not one of live and let live. The only methods of giving a feeling of security are safeguards and guarantees and the grant, as far as possible, of cultural autonomy. The clumsy and objectionable methods of separate electorates and reservation of seats do not give this security. They only keep up an armed truce.

The Muslims being in a minority in India as a whole fear that the majority may harass them, and to meet this difficulty they have made a novel suggestion—that they should at least dominate in some parts of India. We do not here criticise their demand. It may have some justification in the present communal atmosphere but we do feel that it has little to do with premises we started from, unless indeed the best safeguard that one can have is to occupy a position of domination oneself. The Hindus on the other hand although in a great majority all over India are in a minority in Bengal and the Punjab and in Sind, Baluchistan and the N.-W. F. province. In spite of their All-India majority they are afraid of the Muslims in these provinces.

We cannot have one community domineering over another. We may not be able to prevent this entirely but the object we should aim at is not to give dominion to one over another but to prevent the harassment and exploitation of any individual or group by another. If the fullest religious liberty is given, and cultural autonomy provided for, the communal problem is in effect solved, although people may not realise it.

With this view point before us we have provided several articles in the Declaration of Rights giving the fullest liberty of conscience and religion to each individual. We considered also a proposal to create communal Councils to protect the cultural interests of each considerable community. This proposal was that any community being ten lakhs or more in number in any province shall have the right to have a Council representing the members of the community for certain purposes which were mentioned. The manner of election of the members of these Councils by their respective communities was to be determined by the Provincial Council. Each Council was to consist of not more than 25 members. The functions of the communal Council were laid down as :—

(1) Supervision of primary education, schools, orphanages, dharamshalas, sarais, widows homes, and rescue homes.

(2) Encouragement of scripts and languages.

The communal council could recommend that grants be given to institutions or for scholarships, such grants being made either by the provincial or central Government after being submitted to the vote of the House.

These were the main provisions in regard to the communal councils. The idea appealed to us as affording some kind of a substitute for other and worse forms of communalism. But some of our colleagues and several friends whom we consulted were strongly opposed to the creation of these Councils, both on communal and administrative grounds. They felt that these councils would help to keep communalism alive. We have therefore rejected the proposal.

The communal problem, so far as its political aspect is concerned, resolves itself now into the question of electorates, the reservation of seats, the separation of Sind, and the form of Government in the N.-W. F. Province and Baluchistan.

It is admitted by most people now that separate electorates are thoroughly bad and must be done away with. We find however that there has been a tendency amongst the Muslims to consider them as a "valued privilege," although a considerable section are prepared to give them up in consideration for some other things. Everybody

knows that separate electorates are bad for the growth of a national spirit, but everybody perhaps does not realise equally well that separate electorates are still worse for a minority community. They make the majority wholly independent of the minority and its votes and usually hostile to it. Under separate electorates therefore the chances are that the minority will always have to face a hostile majority, which can always by sheer of numbers, override the wishes of the minority. This effect of having separate electorates has already become obvious, although the presence of the third party confuses the issues. Separate electorates thus benefit the majority community. Extreme communalists flourish thereunder and the majority community, far from suffering, actually benefits by them. Separate electorates must therefore be discarded completely as a condition precedent to any rational system of representation. We can only have joint or mixed electorates.

We find that the Ceylon Reforms Enquiry Committee, who have recently made their report, have recommended the abolition of communal electorates throughout the island.

Regarding the form of government in the N.-W. F. Province and in Baluchistan, we are of opinion that the status of these areas must be made the same as that of other provinces. We cannot in justice or in logic deny the right of any part of India to participate in responsible government. The All Parties Conference has already agreed to this and we gather that no considerable ground oppose this reasonable demand.

The questions that remain are the separation of Sind from the Bombay presidency and the reservation of seats in the legislatures. These are mixed questions of communal and general importance. We have reserved the question of reservation of seats to be considered both in its communal and general aspects in a subsequent chapter. The communal aspect of the question of the separation of Sind may conveniently be dealt with here and we proceed to consider it.

Sind has, by a strange succession of events, become a major problem in our politics. It is strange that those who were in favour of its separation from Bombay only a few years ago are now opposed to it, and those who were against separation then now vehemently desire it. All India is exercised about this comparatively trivial matter. This sudden and somewhat inexplicable change of opinion demonstrates how communal considerations warp and twist our better judgment. For the last eight\* years, since the National Congress made Sind into a separate province, no votes were raised in protest. We feel that in the conflict of communal allegations and counter allegations the only safe course is to try to ignore them and consider the problem as dispassionately as possible. But unhappily it has become a part of the sentiment of the people and sentiment cannot be ignored.

It is stated on behalf of the Hindus in Sind and elsewhere that they are strongly opposed to the creation of "communal" provinces. We agree that the Muslim demand for the separation of Sind was not put forward in the happiest way. It was based on communalism and it was tacked on irrelevantly to certain other matters with which it had no concern whatever. We can understand the Hindu reaction to this. But the manner of putting it forward does not necessarily weaken the merits of a proposal. There is no question of creating a "communal" province. We have merely to recognise facts as they are. A long succession of events in history is responsible for the distribution of the population of India as it is to-day. Sind happens to contain a large majority of Muslims. Whether a new province is created or not Sind must remain a predominantly Muslim area. And if the wishes of this large majority are not acceded to, it would not only be doing violence to the principle of self-determination, but would necessarily result in antagonising that majority population. No Indian desiring a free India, progressing peacefully and harmoniously, can view this result with equanimity. To say from the larger view point of nationalism that no "communal" provinces should be created is, in a way, equivalent to saying from the still wider international view point that there should be no separate nations. Both these statements have a measure of truth in them. But the staunchest internationalist recognises that without the fullest national autonomy it is extraordinarily difficult to create the international state. So also without the fullest cultural autonomy, and communalism in its better aspect is culture, it will be difficult to create a harmonious nation.

We suspect that the real opposition to separation is not due to any high national considerations but to grosser economic considerations; to the fear of the Hindus that their

\* Note by Secretary A.I.C.O. : Sind was constituted into a separate Congress province in 1917, eleven years ago.

economic position might suffer if Muslims had the charge of affairs in a separated area. We are sure that this fear is baseless. Among all the people of India the Hindus of Sind are perhaps the most enterprising and adventurous. The traveller meets them in the four quarters of the world, carrying on prosperous businesses and enriching their people at home by their earnings abroad. No one can take away this spirit of adventure and enterprise from the Hindus of Sind and so long as they have it their future is assured. It must be remembered also that the powers of a provincial government are limited and there is the central government which has power in all important departments. If however there is still some ground for fear that is a matter for safeguards, not of opposing a just demand.

We are therefore of opinion that even communal grounds justify the separation of Sind. If the Hindus stand to lose thereby and the Muslims stand to gain, of which we see no chance, such risk of loss by the one and the chance of gain by the other community will not, we hope and trust, be allowed by either to endanger the larger cause. We shall deal with the general aspect of the question later. We would note here that our colleague Mr. Aney does not agree with all the above views but agrees with our conclusion.

### CHAPTER III—RESERVATION OF SEATS.

Coming now to the question of reservation of seats, it was found that each party held strongly to its own opinion and was not prepared to give in. Muslims were insistent on the reservation of seats for the Muslim majorities in the Punjab and

#### Alternative proposals

Bengal, and the Hindu Maha Sabha and the Sikh League were equally strongly opposed to this. The Committee considered various proposals, among them being:

1. Reservation of seats on population basis for majorities as well as minorities.
2. Part reservation for majorities with freedom to contest other seats.
3. Proportional Representation.
4. Amalgamation of the Punjab and N. W. F. province, with no reservation of seats.
5. No reservation, but special safeguards in the constitution for educational and economic advance of backward communities.

Before considering these proposals, some of which were new, the Committee was of opinion that representatives of the principal organisations concerned might be consulted. An invitation was therefore sent on June 11th to the Hindu Maha Sabha, the All-India Muslim League and the Sikh League to send one or two representatives to meet the Committee on June 21st. The response to these invitations was not very encouraging. The secretary of the Hindu Maha Sabha wrote to express his inability to send any representative on that date, and the secretary of the Muslim League did not send any answer at all. The Sikh League were prepared to send representatives but as the Maha Sabha and Muslim League were not sending any one, our colleague Sardar Mangal Singh did not think it necessary to trouble the Sikh representative to come. Some others who had been personally invited could not come. We had the privilege however of conferring with Dr. M. A. Ansari, who took the trouble to come and assist us with his advice.

The proposals set out above were discussed at two consecutive sittings at which Dr. Ansari was also present. No agreement could be reached on the first proposal, but decisions were taken on the remaining four. It will be convenient to deal with these latter before taking up the main proposal.

The suggestion was to have part reservation of the majority community in the Punjab

#### Part reservation.

and in Bengal with freedom to contest the other seats. This part reservation was granted to the non-Brahmans in the south and is still continuing. But even in the

case of the non-Brahmans it has been found to be wholly unnecessary as they have always, so far as we are aware, captured a far larger number of seats on the strength of their votes and have had no need to invoke the aid of the reservation clause. It is not the case of any one in the Punjab or Bengal that the Muslim majority will not succeed in capturing a large number of seats. What is feared by the Muslims, unreasonably most of us think, is that they may not capture the majority of seats. In any event they will capture enough seats to make them if not a clear majority at least a strong minority just short of majority. If they are sure of capturing, let us say, 45 per cent. of seats the need for part reservation disappears. We are not opposed to part reservation for majorities or minorities, with freedom to contest the remaining seats, but we feel that in the case of Bengal and the Punjab it is unnecessary and does not materially affect the situation either way.

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The next proposal is that of Proportional Representation. The sub-committee appointed by the All Parties Conference to consider this method of election and representation has presented no report but some individual members have sent their separate notes. Sadar Mangal Singh has supported the proposal, but the others, while favouring the system, are of opinion that under present circumstances in India it will not work. We feel strongly attracted to this method and are of opinion that it offers the only rational and just way of meeting the fears and claims of various communities. There is a place in it for every minority and an automatic adjustment takes place of rival interests. We have no doubt that proportional representation will in future be the solution of our problem.

How far is it immediately practicable? Great stress is laid on its intricacy and on the general illiteracy of the electorate in India. We are told that it is impossible to work this system, desirable as it may be, so long as the electorate is not educated up to understanding its significance. We recognise this difficulty. It is considerable. And yet we feel that it is a little exaggerated. Proportional Representation requires not so much a high standard of intelligence in the voters, as expert knowledge in the returning officers and the people who count and transfer votes from one head to another. There can be no doubt that there is a sufficiency of Indians who are competent enough to do this work of counting of votes satisfactorily. As for the general electorate it is very true that a standard of intelligence is necessary for proper choice to be made in order of merit. But a certain standard is also necessary to exercise the right of vote even in a single member constituency. It is notorious that even in highly democratic England that standard is lacking and votes are given not for high matters of policy or considerations that are really important, but for trivial matters or even sometimes most objectionable considerations which the exigencies of election times force to the front. A general election has turned in the past on the cry of hanging the ex-Kaiser or on a forged letter, and the men, who were to govern an empire and influence largely world events, have been elected for reasons which make every intelligent person despair of democracy. In India the standard of intelligence of the vote will, to begin with at least, be lower than that of the English voter. But these are reasons against democracy, not so much against Proportional Representation.

We are told that another strong argument against Proportional Representation is that for the illiterate voter it would do away with the secrecy of the ballot. We think that the device of three boxes of the same colour for each candidate with different symbols painted on each box to indicate the first, second and third choice, would remove this objection. But it applies in equal measure to the illiterate voter at most of the ordinary elections today. In Malta, where there is a large majority of illiterate voters, Proportional Representation has been tried with success, but of course we cannot compare the little island of Malta to our enormous country with its millions.

Most of us feel that there are no insuperable difficulties in the way of giving a trial to Proportional Representation in India. There are drawbacks and risks, but no proposal which we have considered is free from objection, and some of these involve a departure from principle which may bring greater difficulties in its train. Some of our colleagues however are not satisfied that Proportional Representation can be introduced at this stage in India. We therefore refrain from recommending it.

It was suggested that the N. W. F. Province be amalgamated with the Panjab and that there should then be no reservation of seats in this province. We have no objection to this proposal but we do not know how far this will meet the different views of the parties concerned. If it does meet with their approval, we would gladly recommend it. There is no special principle involved in its acceptance or otherwise depends entirely on whether it is approved or not. Our colleague Sardar Mangal Singh does not approve of the proposal and we understand that some other people also are of his opinion. We therefore make no recommendation in regard to it.

A similar but more far-reaching proposal was made to us, namely, that the Panjab, the N. W. F. province, Baluchistan and Sind should be amalgamated together, and that there should be no reservation of seats, unless the minority desires it, in this area. We were unable to entertain this proposal. It would mean the creation of an unwieldy province sprawling all over the north and north-west.

Another proposal in regard to the Punjab was that there should be no reservation whatever but that special safeguards in the constitution for educational and economic advance of backward communities may be provided. We would cordially welcome such a solution if it was agreed to. But we have to recognise that a unanimous acceptance of this proposal is at present unlikely, otherwise there would have been no communal friction. In our draft constitution we have included many safeguards for minorities and provisions for the educational and economic advance of backward communities. We would gladly add to these safeguards and provisions if thereby we could remove feelings of insecurity in any community and do away with reservation of seats and other communal expedients. It seems unnecessary to pursue the subject any further in the present atmosphere.

Reservation of seats on population basis.

We now come to the main question, the reservation of seats on the basis of population, both for majorities and minorities,

It was never seriously denied that reservation of seats for communities was as bad in principle as communal electorates, but for various reasons of expediency, such reservation was recommended for a time to serve as a transitional stage between communal electorates and general mixed electorates without any restrictions. The idea was that during the interval the distrust of one community of the other would be very much lessened if not altogether removed. Similar arguments were used when the Lucknow pact was arranged, but the actual experience of the last 12 years has belied the expectations then formed. Communal electorates might or might not be responsible for the increasing communal tension of recent years but they have certainly failed to pave the way to a better understanding between the communities as was hoped. General reservation of seats for any community whether found in a minority or a majority is a full recognition of communalism and differs little from communal electorates.

Reservation of seats for majorities has been fiercely opposed—both on grounds of theory and fact. The question arises only in the provinces of the Punjab and Bengal where the Muslims are in a slight majority over all others. It has not been claimed for any other majority in any other province. We have therefore to consider the Punjab and Bengal only in this connection.

Reservation for majorities.

Reserveation for majorities.

any other majority in any other province. We have therefore to consider the Punjab and Bengal only in this connection.

We should have thought that of all the provinces of India the Punjab and Bengal were the most fortunate in that the distribution of population was such that there was little chance of one community or group dominating over another or harassing it and preventing its growth in any way. Although one community is in an absolute majority in both of these provinces the others are strong enough to protect their own interests and prevent any oppression.

Reservation for a majority is indefensible in theory. It is an artificial restriction on the growth both of the majority and the minority and must necessarily retard national progress. It is, we feel, specially injurious to the majority itself for it makes it rely on legislative provision to keep up its position and not on its own inherent strength. After a period of reservation such a community is bound to lose in self-reliance and all the qualities that contribute towards building up a people and adding to their creative energy. Ordinarily a majority captures seats in excess of its population strength unless the method of election is by Proportional Representation. This is evident as the majority may be so spread out as to be in a commanding position in each or at any rate most of the constituencies. It is this danger of the majority capturing far more seats than its population strength entitles it to, and thereby encroaching on the limited preserves of the minority, that leads to the protection of minority interests.

A majority reservation or other fixation of seats is incompatible with real representative and responsible government. It obviously interferes with the right of the electors to choose whom they like. Further, it is bound to come in the way of other and more natural groupings in and outside the legislature and it will give a longer lease of life to communalism. Everybody regrets the communal spirit and desires to exorcise it from the body politic. But it is clear that it cannot go merely by talking about unity and indulging in pious platitudes which take us nowhere. Communalism can only go when the attention of the people is directed in other channels, when they begin to take interest in questions which really affect their daily lives rather than in fancied fears based on an artificial division of society. We must therefore try to create this new interest in the people and we must put no barriers in the way of the development of this interest. There can be no doubt that a majority reservation and fixation of seats is such a barrier,

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An examination of the methods by which reservation for a majority can be secured will show that it is not only a negation of representative government but is in direct conflict with the principle on which responsible government rests.

## Methods of reservation.

One of these methods has been applied in the Madras and parts of the Bombay presidency to secure a partial reservation for the overwhelming majorities of non-Brahmans in those presidencies. This large community which forms over 96 per cent of the population of the Madras presidency succeeded in

## The Montagu-Cholmsford method.

inducing the government on the recommendation of the Southborough Committee, to reserve for them 28 seats out of a total of 98 to protect them from the small minority of Brahmans who did not exceed 2 and half per cent of the whole population. The manner in which this reservation was secured was that two purely non-Brahman constituencies, each returning a single member, were created and, of the remaining constituencies, 25 were made plural, each returning three or more members, two of whom must be non-Brahmans in Madras City, and one must be a non-Brahman in each of the remaining 24. The rule on the subject in this stated :—

"When the counting of the votes has been completed the Returning Officer shall forthwith declare the candidate or candidates as the case may be, to whom the largest number of votes has been given, to be elected: provided that if one or more seats are reserved the Returning Officer shall first declare to be elected the non-Brahman candidate or candidates, as the case may be, to whom the largest number of votes has been given".

To illustrate this rule take the case of Madras City where out of six seats in a mixed electorate two are reserved for non-Brahmans. Assume that no non-Brahman candidate has secured enough votes to be placed among the first six who have polled the largest number of votes and that the only non-Brahman candidates who have secured any votes are to be found somewhere near the bottom of the list. Under the rule just quoted two of these non-Brahmans would be at once declared to be duly elected and the 5th and 6th candidates on the list who are not non-Brahmans would have to give place to them. Thus in the case of non-Brahmans the choice of the electorate is wholly set aside even though a majority of their own community voted against them. The question is whom would these two non-Brahmans represent. It is clear that they do not represent the majority of the electorate not possibly even a majority of non-Brahmans. They have come in by an artificial rule based on no principle whatever. Happily the fears of the non-Brahmans in Madras turned out to be unfounded and we are informed that there never was a single occasion to put the rule into practice.

It is bad enough to have 28 members of this kind in a representative house of 98 members, but when the majority of members are elected in this manner and the ministry is formed from out of them, representative government becomes a farce.

Another method of reservation of seats both for the majority and the minority has been suggested by the promoters of what is called the "Sind Pact" method. "Sind Pact". This method is thus described in clause 5 of the "Pact":—

"In order to make the system of joint electorates truly effective, there shall be one common electoral roll for each constituency and the election of Muslim and non-Muslim representatives should be held separately but on the same day, so that the whole electorate, Muslim and non-Muslim shall have the right and opportunity to vote at both these elections separately, whereby the members so elected shall have been returned by the entire constituency and not only by the voters of their own communities."

The only merit claimed for this method is that the "members so elected shall have been returned by the entire constituency and not only by the voters of their own communities." For this purpose it would not be necessary to hold the elections separately as in a single election also the whole electorate—Muslim and non-Muslim—would have the right and opportunity to vote. The real object of the clause seems to be to avoid competition between the Hindu and Muslim candidates and thus secure to them reservation of seats according to their numbers. Apart from the fact that such competition is essential for the exercise by the elector of his free choice, this method proposed entirely shuts out all opportunity for a Hindu elector to vote for a Muslim candidate in preference to a candidate of his own community and "vice versa".

It is obvious that the result of two separate ballots for each group of candidates can never be the same as that of a single ballot for both and that there will always be much greater chance at separate elections for the majority community to secure the return of

their mandates from among the minority community by concentrating their votes on them.

It will thus be seen that neither of the two methods discussed above is likely to give satisfactory results. The third and the only remaining method of which we are aware is that of separate communal electorates which we have already discussed. The doing away of communal electorates is intended to promote communal unity by making each community more or less dependent on the other at the time of the elections. But reservation for a majority community in a mixed electorate will take away much of the incentive for communal unity, as the majority community as a whole would under all circumstances be assured of its full quota without the help of the other communities. There is no doubt some advantage to be gained by individual candidates of either community having to canvass the other community as against their rivals of the same community but this small advantage will probably not be availed of in times of acute communal tension.

It is absurd to insist on reservation of seats for the majority and claim full responsible Government at the same time. Responsible Government is understood to mean a Government in which the executive is responsible to the legislature and the legislature to the electorate. If the members of the executive with the majority behind them have all got in by reservation and not by the free choice of the electorate there is neither representation of the electorate nor any foundation for responsible Government. Reservation of seats for a majority community gives to that community the statutory right to govern the country independently of the wishes of the electorate and is foreign to all conceptions of popular Government. It will confine minorities within a ring-fence and leave them no scope for expansion.

We have based the foregoing observations on the principles generally applied to representative Government. We are aware that those principles have in practice been found far from perfect and that serious objections have been raised in certain quarters against democratic Government itself. We can hardly enter into these considerations in this Committee and must at this stage of our evolution accept the principles governing elections in most of the advanced countries of the world. We are also aware that the system of election we have recommended has some times failed to establish the rule of the majority, as in the case of the last British elections, which resulted in the return of an overwhelming majority of members who had only the support of a minority of electors. This we believe was mainly due to inequalities in voting strength and the wastage of votes on candidates who did not need them. The only remedy is proportional representation which for the reasons already mentioned we have refrained from recommending at present.

We have so far considered the question of reservation for majorities on principle but the strongest argument against such reservation is furnished by the facts as they are. We are indebted to Pandit Jawaharlal Nehru for the figures given in appendices A. & B. which he has compiled with great industry from the reports of the last census relating to Bengal and the Punjab—the only two provinces in which the Muslims are a majority. These figures conclusively show that there is no foundation in fact for the fears entertained by the Muslims in these two provinces, and indeed no occasion for and adventures aid to secure to them the full benefit of their natural majority. The argument is that Mussalmans will not obtain adequate representation and the slight majority they have will be more than counter-balanced by their educational and economic backwardness in these provinces. The whole force of this argument, which is based on the total population of the two provinces, disappears when we examine in detail the figures relating to the administrative divisions and the districts composing them.

It appears from an analysis of the population figures of the Punjab and Bengal that Muslims can certainly have nothing to fear from a free electorate, without any reservation of seats, in these two provinces. It will be clear from the figures given in the appendices that in both the Punjab and Bengal the distribution of population is such that the Muslim majority in most of the geographical and administrative areas comprising these provinces is much greater than it appears when the whole province is taken as a unit. We find that there are natural areas of reservation for the different communities which ensure the representation of each community far more effectively than any artificial reservation can do.



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Thus in the Punjab, we have a Muslim zone in the north and north-west of the province, where the Muslims are overwhelmingly strong and where no other community can encroach on their preserve. We find also a smaller area in the south, the

## The Punjab.

Hindu zone, where the Hindus and Sikhs are equally strong. Between the two there is a third area where the Muslims are predominant, but no overwhelmingly so. This analysis leads us to the conclusion that Muslims are bound to capture over 47 per cent of the total seats in the Punjab from their special zone alone. Whilst the Hindus and Sikhs will jointly capture nearly 30 per cent. The remaining 23 per cent of seats will lie in either a predominantly Muslim area or in districts where the Muslims are the strongest single community. Allowing for every contingency we cannot conceive of Muslims not capturing enough seats in this area to give them a clear majority in the provincial legislature.

We have discussed these population figures for each Punjab district in detail in our note attached. We may here however refer to some of these figures.

The population of the Punjab (British territory) at the last 1921 census was as follows:—

Muslims	...	...	11,444,321	55.3%
Hindus	...	...	6,579,260	31.8%
Sikhs	...	...	2,294,207	11.1%
Others (mainly Christians)	...	...	367,236	1.8%
Total Punjab population			20,683,024	100%

There are 29 districts in all. We have divided these into four zones:—

I. Fifteen districts in the overwhelmingly Muslim zone. The percentage of Muslims in one district is nearly 91; in nine districts it is between 80 and 90; in two districts it is 71 or over; and in three it is 63.3, 61.9 and 60.7. We have included the last three districts in this zone as, although the Muslim percentage is not so high as in the adjoining districts, it is very high compared to the Hindus and Sikhs combined. Thus in one (Sheikhupura) Muslims are 63.3 per cent, Hindus 16.0 per cent, Sikhs are 15.9 per cent, in Sialkot Muslims are 61.9 per cent, Hindus are 19.5 per cent, and Sikhs are 8.0 per cent, in Lyallpur Muslims are 60.7 per cent, Hindus are 18.1 per cent, and Sikhs are 16.4 per cent.

It should be remembered that the non-Muslim minority in all these districts consists not of one group but of several communities Hindus, Sikhs, Christians and others.

If we give one member of the legislatures to every 1,00,000 population as we have suggested elsewhere, we find that 98 members will be returned from this Muslim zone alone. This amounts to 47.3 per cent of the total membership of the legislature.

II. There are two districts (Lahore and Gurdaspur) which might be called the predominantly Muslim zone. Here the Muslims are greater than Hindus and Sikhs combined—in Lahore they are 67.3 per cent of the total—but they are not so many as in zone I. The number of members of the legislature for these two districts are 19 and half or 9.4 per cent of the total membership.

III. There are three districts where no community is predominant but even here the Muslims are the strongest single community. The number of members of the legislature for these districts is 27 and half that is, 13.3 per cent of the total.

IV. There are nine districts which might be called the overwhelmingly Hindu-Sikh zone. The number of members for this zone is 61 and half or 29.7 per cent of the total.

We thus see that Muslims are certain of 47.3 per cent seats; have a good chance of capturing the majority of at least 9.4 seats; and a fair chance of some seats out of the 13.3 per cent of group III. They are thus, humanly speaking, assured of a clear majority in the legislature.

In Bengal the figures are even more illuminating. These are discussed in full detail in the separate note attached (see Appendix B). We give here only a brief summary. The population figures are:—

## Bengal.

Muslims	...	...	25,210,802	54.0%
Hindus	...	...	20,203,527	43.3%
Others (chiefly tribal religions and Christians)	...	...	1,281,207	2.7%
Total Bengal population (British territory)			46,695,536	100.0%

Here also we find definite zones as in the Punjab.

I. Overwhelmingly Muslim zone. There are 13 districts with 282 members of the legislature or over 60 per cent of the total.

II. Predominantly Muslim zone—two districts with 23 members or 5 per cent of the total.

III. Neutral or predominantly Hindu zone. Four districts with 42 members or 9 per cent of the total.

IV. Overwhelmingly Hindu zone. Nine districts with 118 members or 25 per cent of the total.

Thus in Bengal from the overwhelmingly Muslim zone alone, not taking into consideration the predominantly Muslim zone, Muslims are assured of over 60 per cent seats in the legislature. The Hindu minority, although it is a very big minority, is highly likely to suffer in numbers in an open general election without reservation.

This has recently been demonstrated in a remarkable manner by the figures of the last District Board elections in Bengal, printed in Appendix C. The electorates for these boards are mixed Hindu and Muslim, but the electoral roll being based on a property or tax paying franchise does not maintain the population proportions of the two communities. We expect that the voting strength of the Muslims, who are economically weaker than Hindus, is much less than it would be with adult suffrage and yet we find that they made a clean sweep of the Hindu minority in three districts—Mymensingh, Obhlagong and Jessore. In the first two of these not a single Hindu was elected though the Hindus are about 24 per cent of the population, and in the third only one Hindu managed to get in though the community forms 38·2 per cent of the population. As against this we find that Muslims, where they are in insignificant minorities of 3 and 4 per cent have managed to send one to three representatives to the District Board. We have also very interesting examples of what happens when the two communities are found in about equal strength. The cases of Khulna and Dinajpur are in point. In the former the non-Muslims being 50 per cent of the population carried 11 seats as against 5 taken by Muslims who were 49·8 per cent. In the latter the Muslims being 49 per cent of the population carried 14 seats as against 4 of the Hindus who were over 44 per cent. Actual population is not a safe guide in the absence of exact figures showing the voting strength of the two communities, but we think it can safely be inferred that the Muslims in Bengal need no protection from all the non-Muslims put together. The case of Jessore is particularly interesting. As long as the Muslim majority did not take much interest in the local affairs of the district the Hindu minority had it all its own way. Once roused to action the Muslims not only swept the polls but for the first time in the history of their District Board gave it a Muslim chairman and a Muslim vice chairman, both members of the Bengal Council. We are informed that the last elections for the District Boards in Bengal have opened the eyes of both communities and that Muslim opinion is now veering round to mixed electorates. It is one of the tragedies of communal hostility that men shut their eyes to facts and fight against their own best interests. We commend a careful study of the figures we have given in Appendices A, B and C to those who are flooding the country with elaborate manifestos and memoranda in support of communal electorates for the Punjab and Bengal.

We find therefore from an analysis of the actual figures that Muslim fears in the Punjab and Bengal are largely imaginary. These fears are based on the superior economic and educational standards of the Hindus and Sikhs. We have seen that this superiority has not helped the Hindus of Bengal at the District Board elections and we are sure that the result of council elections will be even more strikingly in favour of Muslims. But there is no doubt that Muslims are backward both in education and in wealth, specially in Bengal, as compared to the other communities. There is also no doubt that the power of wealth is great in the modern State. It is so great indeed that it seldom troubles to contest seats in the legislature as it can pull the strings from behind the scenes. Reservation of seats or separate electorates, or any other device of this kind, cannot materially reduce this power. So long as people think and act in terms of communalism, so long will they not face the real problem. And if they will not face it, they will not solve it.

We are not here called upon to advise on a new structure of society where the economic power is not concentrated in the hands of a few. We take it that the communal organisations which aggressively demand special rights and privileges for their respective communities not desirous of attacking the basis of the existing structure. If this is admitted then all

we can do is to provide safeguards and guarantees for education and economic advancement, specially for all backward groups and communities.

We are certain that as soon as India is free and can face her problems unbampered by alien authority and intervention, the minds of her people will turn to the vital problems of the day. How many questions that are likely to be considered by our future

Parties in free India,

legislatures can be of a communal nature? There may possibly be a few now and then, but there can be no doubt that the vast majority of the questions before us will not be communal in the narrow sense. The result will be that parties will be formed in the country and in the legislature on entirely other grounds, chiefly economic we presume. We shall then find Hindus and Muslims and Sikhs in one party acting together and opposing another party which also consists of Hindus and Muslims and Sikhs. This is bound to happen if we once get going.

Looking at it purely from the Hindu point of view, however, we can well imagine

Hindu and Sikh minorities,

that a reservation of seats for the Muslim majorities in the Punjab and Bengal, may actually benefit the Hindus, and it may be Sikhs also, more than no reservation.

The facts and figures we have stated demonstrate that the Muslim position in the Punjab and Bengal is so strong that in all likelihood they will gain in a joint electorate with no reservation more seats than their population warrants. Thus the Hindu and Sikh minorities may find their representation even reduced below their population ratio. This is a possible and indeed a likely contingency. But it is impossible to provide for such contingencies. The safest and most obvious course is to have an open election with such safeguards as we can devise.

The considerations set out above were fully discussed at the informal Conference to which reference has already been made and the following resolution was unanimously adopted, subject to a note by our colleague Sardar Mangal Singh on the second part of the resolution :—

Informal Conference.

"We are unanimously opposed to the reservation of seats in the legislatures either for majorities or minorities and we recommend that no such reservation should be provided for in the constitution. But if this recommendation is not accepted and an agreement can be arrived at only on a reservation of seats on the population basis we recommend that such reservation be made for majorities or minorities without any weightage and with a clear provision that it shall automatically cease at the expiry of ten years or earlier by the consent of the parties concerned."

The note of Sardar Mangal Singh runs as follows :—

"I agree with the first part of the above proposition, namely that there shall be no reservation of seats either for majorities or minorities in the legislatures of the country. But I am very strongly opposed to the creation of statutory communal majorities by reservation of seats for majorities on population basis under all circumstances and for any time however short it may be. If the agreement can only be reached by reservation of seats I will recommend that the case of the Sikhs be considered as that of an important minority and adequate and effective representation, far in excess of their numerical strength, be given to them in the Punjab on the basis adopted for Muslim minorities under the Lucknow Pact in Bihar and other provinces. And I further suggest that special weightage be given to Sikhs for representation in the central legislature."

It will be seen that the first part of the resolution contains the actual recommendation of the informal Conference and the second part deals with a contingency which can happen, if at all, only when that recommendation is rejected in favour of an agreement by all the parties concerned on reservation of seats on the population basis. There has not only been no such agreement among the members of this Committee but they have definitely expressed themselves in the first part of the resolution to be unanimously opposed to reservation. It is highly unlikely that the agreement referred to in the second part of the resolution will be reached in the All-Parties Conference. But if by any chance such an agreement is arrived at, it would be binding on all those who joint it and in that case all that the second part provides is that it should not be given effect to for more than ten years. We cannot be taken to have recommended what we have expressly opposed. But we recognise the value of a compromise between parties and communities however wrong it may be in principle, and if such a compromise is arrived at in spite of ourselves, we can do no more than try to limit its operation. This is exactly what we have done. As regards the special claim of the Muslims and Sikhs for greater representation than their population would justify, it is enough to say that in the view we have expressed

above, no such claim is admissible on the part of any community however important it may consider itself to be.

We shall have to revert to the resolution of the informal Conference in considering the question of reservation for minorities to which we now address ourselves.

Muslims in provinces other than the Punjab and Bengal are in small minorities and in some parts of India almost negligible, though in the total population of India the proportion is over 24 per cent.

Reservation for minorities.

After the resolution of the informal conference referred to above was passed it was pointed out to us that it would work great hardship on the Muslim minority which would in all probability be able to elect no more than 30 or 40 Muslims from the Punjab and Bengal, and perhaps one or two from U. P. and Behar, to the central legislature of 500 members, and

Reservation for Muslim minorities in proportion to population.

that there was little chance of any of the other provinces with less than 7 per cent of the population returning a single Muslim. The result, it was argued, would be that Muslims, who form nearly one fourth of the total population of British India, would have no more than one tenth of representation in the central legislature. The same reasoning, it was urged, applied to the legislature of provinces where the Muslims are in small minorities. We recognise the force of this argument and it is here that we feel compelled by force of circumstances to introduce a temporary element of communalism in the electoral system of the country. We are therefore unable to adopt the resolution of the informal conference of the 7th July in its entirety as our recommendation. In provinces other than the Punjab and Bengal we must make an exception in favour of Muslim minorities by permitting reservation of seats, if so desired by them, in proportion to their population both in the central and the provincial legislatures. The retention of communal representation to this extent for some time to come is in our opinion a necessary evil. It will be seen that by making this concession in favour of Muslim minorities we are not introducing the anomalies arising out of reservation for majorities. A minority must remain a minority whether any seats are reserved for it or not and cannot dominate the majority.

Representation in excess of their proportion in the population fixed for Muslims in a number of provinces under the Lucknow pact, as well as the Montagu-Chelmsford reforms, will disappear under our scheme. Such representation is only possible in

Weightage not permissible.

separate electorates and has no place in joint or mixed electorates. It is of course not physically impossible to reserve a larger proportion of seats for Muslim minorities than their population would justify but, apart from the obvious injustice of such a course not only to the majorities but to the other minorities as well, it will in our opinion be harmful to the development of Muslims themselves on national lines. We have allowed them their full share on the population basis by reservation and anything over and above that share they must win by their own effort. We do not propose to impose any restrictions on their right to contest a large number of seats than those reserved for them. The main consideration which has guided us in accepting reservation for their minority is that we are not thereby putting it in a ring-fence beyond which it cannot advance however competent it may be to do so. It is in our opinion more important to secure a free and open field for the expansion of the political activities of all communities large or small than to reserve a maximum number of seats for them even in excess of their numbers. Such reservation will never bring them in open competition with any community other than their own and the inevitable result will be stagnation. It is true that a Muslim candidate will have to canvass non-Muslim votes to defeat his Muslim rival but this is not calculated to advance the Muslim on national lines. It will always be a question of whether Muslim A is better than Muslim B without regard to the fact that non-Muslim C is better or worse than both.

Muslims cannot reasonably claim reservation of seats beyond their strict proportion to population along with the right to contest additional seats, and the question for them to consider is which of the two is likely to be of greater advantage to them. We have no doubt that when they carefully weigh the pros and cons of the reservation of a larger number of seats than they are entitled to on the population basis *without* the right to exceed that number, against the pros and cons of reservation in proportion to their population *with* the right to contest as many more seats as they like, they will find that the latter is by far the better choice. As we have already pointed out, reservation to the fullest extent deprives mixed electorates in a considerable measure of their utility in promoting national unity. Whatever inducement a Muslim candidate may have to approach the non-Muslim voter to defeat his Muslim rival, so far as his community as a whole is concerned, it will have its full quota assured to it with or without the help of the non-Muslim voters, and

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at times of extreme communal tension it will be easy both for Muslims and non-Muslims to run their elections quite independently of each other without either losing a single seat. It is only by maintaining the interdependence of the two communities that we can hope to minimise their differences.

Having regard to the actual conditions prevailing in the U. P., where the Muslim minority is the largest, we are convinced that the Muslims stand to gain more seats under our scheme than the number fixed for them under the present system. In

Muslims in U. P.

several urban areas in the U. P. they are in majorities and in others they have strong and influential minorities. They may perhaps lose a few seats in some other provinces but the net result of a general election in the country as a whole is likely to be fairly satisfactory to all.

So far as the demand is concerned it only remains for us to deal with that part of

Reservation for Muslims in the central legislature.

it which relates to reservation of one third of the total number of seats in the central legislature for Muslims. This point was not directly raised or discussed at the informal conference, but we think that it is concluded

by the general recommendations we have made in regard to reservation of seats. The principle we have adopted is that wherever such reservation has to be made for the Muslim minority it must be in strict proportion to its population. The Muslims are a little less than one-fourth of the total population of British India and they cannot be allowed reservation over and above that proportion in the central legislature. It must be remembered that they have the right to contest additional seats both for the central and provincial legislatures in provinces other than the Punjab and Bengal, and that in the two last mentioned provinces their right is unfettered to contest any number of seats they like for both legislatures. In the case of provincial legislatures we have substituted this right for the present weightage they enjoy. In the central legislature the Muslims do not at present enjoy any definite weightage and their numbers to be returned by the provinces are fixed on a more or less arbitrary basis. The actual number of the Muslim members falls short of one-third of the total strength of the Assembly. There is thus no foundation for the demand even in existing conditions. A little reflection will show that it is far better to have a free hand than to be tied down to the difference between one-third and one-fourth. But as we have already observed we cannot depart from the principle we have accepted for the Muslim minorities in the provincial legislature. Besides the question of principle there are practical difficulties in the way. How are we to secure this one-third reservation in the central legislature without restricting the Punjab and Bengal majorities to definite numbers of members and allowing weightage in the other provinces all round? And on what principle is excess in the numbers of members in the provinces to be allotted to each province? We have given our best consideration to the matter but we regret we are unable to recommend reservation of one-third of the total number of seats for Muslims in the central legislature.

For these reasons we recommend reservation of seats, when demanded, for Muslim

Recommendation.

minorities both in the central and provincial legislatures in strict proportion to their population, with the right to contest additional seats for a fixed period of ten years.

We would add, however, that our colleague Mr. Shuaib Qureshi does not agree with some of the arguments and conclusions given above. He is of opinion that the resolution of the informal conference, referred to above, should be adopted in its entirety. He further desires that one-third of the seats in the central legislature should be reserved for Muslims.

As regards non-Muslim minorities the only provinces which deserve consideration are the N.-W. F. and Baluchistan where they are in

Non-Muslim minorities in N.-W. F. and Baluchistan.

much the same position as the Muslim minorities in Madras and the C. P. We recommend that the same concession be made to them as to the Muslims in provinces other than the Punjab and Bengal.

Turning to the other non-Muslim minorities we find that there is no such sharp cleavage between them and the majorities among whom

Other non-Muslim minorities.

they live as there unfortunately is between Hindus and Muslims. We do not think that any protection by way of reservation is either necessary or desirable in their case. They will realise that we are recommending such protection to Muslim minorities under very special circumstances and for a limited period only. The latter have sooner or later to stand on their own legs. We shall indeed be glad if they will make up their minds to do without reservation from the beginning.

There is no analogy between the Muslim and non-Muslim minorities in India. The latter are nowhere when the total population of India is considered. Leaving out the case of Buddhists, who are to be found chiefly in Burma and are in a majority there, the percentage of the population of other non-Muslim minorities to the total population of India is as follows :—

Christians	...	...	...	...	1.2%
Sikhs	...	...	...	...	1.0%
Jains	...	...	...	...	.2%
Others (besides tribal religions in hill tracts)	...	...	...	...	.2%

It will thus appear that so far as the central legislature is concerned the reservation of seats for non-Muslim minorities on a population basis will hardly help them to any appreciable extent and that there is no occasion to reserve seats for minorities, other than those in the N.-W. F. Province and Baluchistan, even in the provincial legislature. Any attempt to do so will only cause confusion and will in our opinion be a very doubtful advantage to the communities concerned.

We have not mentioned the Hindu minorities in the Punjab and Bengal as by no stretch of the imagination 32 and 45 per cent of the population can be regarded as small minorities.

Among the non-Muslim minorities the Sikhs deserve special consideration. They are

Sikhs. concentrated in the Punjab and the position they occupy in that province is very similar to that of the Muslims in the U. P. The latter being about 15 per cent of the

population are in fact more numerous in the U. P. than the Sikhs in the Punjab where they are only 11 per cent. Under the existing system they have their separate electorate and are given considerable weightage. We recognise that Sikhs are a distinct and important minority which cannot be ignored and we have, all along, been giving our best consideration to the point of view of the Sikhs as expressed by our colleague Sardar Mangal Singh. It must be said to their credit that they have shown an admirable spirit of self-sacrifice by their decision to give up these communal advantages in the general interest of the country. Throughout the communal controversies that have raged round the question of representation in the legislature during recent years they have taken their stand on joint electorates with no reservation for any community. Our colleague Sardar Mangal Singh has drawn attention to the fact that the Sikhs do not form the majority of the total population of any district in the Punjab, and that the strongest position they occupy is in Ludhiana district where they are the strongest single community. Even in this district they are only 41.5 per cent and are not in a majority. In every other district they are outnumbered either by Muslims or Hindus, and usually by both. It is obvious that situated as the Sikhs are in the Punjab they are subject to all the disadvantages of a minority in a joint mixed electorate based on the wide adult suffrage we have recommended. In these circumstances they have in the Punjab at least as strong a case for reservation both in the provincial and central legislatures as the Muslims have in the U. P. There is however a third and a very potent factor to be taken into account and that is the presence of the strong Hindu minority side by side with the Muslim majority and the Sikh minority. It is this circumstance in the Punjab which, apart from general considerations, has so far defied all attempts at a satisfactory adjustment on the basis of reservation for any community. The Punjab problem has assumed an all India importance and we cannot look at it as an isolated case arising in a single province. The only effective way of avoiding complications and giving full play to the forces of nationalism is to eradicate the virus of communalism from the body politic of the Punjab. Our colleague, Sardar Mangal Singh, who has discussed the matter very fully and frankly with us shares our difficulty. We believe that nothing is farther from the wishes of the Sikh League than to introduce any complications directly or indirectly in the solution of the communal problem. They could, if they had insisted on any special advantage, have caused endless difficulties in the adoption of a uniform rule of representation. They fully realised this and voluntarily gave up all their claims with the sole object, we are assured, of preventing an impasse. We appreciate this spirit and congratulate them on their patriotic resolve.

The only alternative to the proposal we have made is to adopt the recommendation

The only alternative. of the informal Conference and have no reservation for any minorities, including Muslims, in any legislature.

But this will cause considerable dissatisfaction to Muslims without conferring any special benefit on non-Muslims. It must be remembered that besides reservation by means of communal electorates the Muslims at present enjoy considerable weightage in every province. We are offering them the right to contest additional seats in lieu of this weightage and we cannot very well do away with reservation in their

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case. We see no hardship in this to non-Muslim majorities or minorities. Endless complications will arise if we recommend reservation for all minorities. Besides the existing well defined minorities such as Christians, Parsis, Jews, fresh groups from among the Hindu castes and sub-castes will claim the right and it will be a perpetual source of trouble.

The communal question is essentially a Hindu Muslim question and must be settled on that basis. We shall indeed be doing poor service if in our attempt to settle it we let communalism loose on the country to swallow up communities and sub-communities most of whom have not even dreamt of it.

There remain two important communities included in the Hindu majority—the non-Brahmans and the depressed classes. The sharp division between Brahman and non-Brahman is to be met with only in the south and is unknown in other parts of

## Non-Brahmans.

India. Where the non-Brahman as such are found, they are either an overwhelming majority as in Madras or a very strong minority as in parts of Bombay. They need no protection in the matter of representation in the legislatures as has been established by the elections held in recent times. Their grievances against Brahmans are all traceable to the ascendancy gained by the latter in the political and social life of the country. This is the natural result of their intellectual ascendancy which is now seriously threatened by the rapid advance of non-Brahmans.

The problem of the "depressed" or "suppressed" classes has come to the front in recent years and their present condition is put forward as an argument against the political advancement of India. We are certainly of opinion that the Hindus are

## "Depressed" classes.

chiefly responsible for this suppression of a large class, but we are equally clear that the solicitude for this class which the British Government has endeavoured to show has its basis on reasons other than humanity or love for this class. This solicitude is of very recent growth. As the national movement has grown in the country, so has the political value of the "depressed" classes grown in the eyes of the Government. It is only since 1917 that their numbers have been separately given in the official reports on education and reference has been made to the educational facilities offered to them. The solicitude of government has so far brought little relief to these classes. It has resulted in giving them some nominated seats in the legislatures and some minor contributions for special schools.

Far more serious and effective attempts have been made by non-official Indian agencies to raise these classes. The Christian missions have also helped in this task. The Congress made the abolition of untouchability one of its principal planks in 1920 and, as is well known, Mahatma Gandhi has thrown himself with all his great powers and energy into the movement. Other political organisations, and we are glad to find even communal organisations, have with equal emphasis declared against untouchability. The practical work done and the considerable results achieved already make it quite clear that these declarations were not mere pious wishes. We realise that there are still conservative elements in the country which are strong enough to put obstacles in the way and retard the progress of the movement. But we are convinced that untouchability is doomed.

In our suggestions for the constitution we have not made any special provision for the representation of the "depressed" classes in the legislatures. This could only be done by way of special electorates or by nomination. We have dealt fully in another place with the question of special electorates and reservation of seats. We are not prepared to extend this unsound and harmful principle if we can help it, nor do we think that we will do any good to these classes by ensuring some seats for them in this way. We are still more opposed to nomination. This can only result, as it has resulted, in the government of the day nominating someone who will support it through thick and thin, and will not represent anybody.

We feel strongly however that the "depressed" classes must be abolished or rather that they should be raised socially and economically so that they may take their proper place in the community. The only effective way to do this is to give them educational and other facilities for this advance and to remove all obstacles in the way of this advance. Some of the articles in the Declaration of Rights, which we have recommended, will go a long way to remove the disabilities from which these classes suffer and will give them an opportunity to go ahead. The proposal that we should have adult suffrage will also automatically raise their level and increase their political power. Finally, we have strongly recommended that the education of the backward classes should be a special concern of the state. If all these recommendations are acted upon we are convinced that the "depressed" classes will rapidly disappear and will be replaced by a self-reliant and progressive group, co-operating with other groups in the welfare of the entire community.

## CHAPTER IV.—REDISTRIBUTION OF PROVINCES.

We are glad to take leave of communal problems and enter upon matters more germane to the constitution. The question of redistribution of provinces as a part of the constitution should ordinarily be disposed of by a few general rules governing all cases. But, as we have seen, the simplest problems have a tendency to become difficult and almost insoluble if approached in the wrong spirit and considered not on their own merits but as parts of an entirely different problem. We have already dealt with the communal aspect of the separation of Sind from Bombay and shown how a very simple matter has become a major issue in our politics. We shall now consider the general question on the merits apart from its communal bearings.

Every one knows that the present distribution of provinces in India has no rational basis. It is merely due to accident and the circumstances attending the growth of the British power in India. As a whole it has little to do with geographical or historical or economic or linguistic reasons. Even from the purely administrative point of view it is not a success. It is clear that there must be a redistribution of provinces. Some of us favour small provinces, others prefer large provinces. But small or large, the question of redistribution has to be tackled.

What principles should govern this redistribution? Partly geographical and partly economic and financial, but the main considerations must necessarily be the wishes of the people and the linguistic unity of the area concerned. It is well recognised that rapid progress in education as well as in general culture and in most departments of life depends on language. If a foreign language is the medium of instruction, business and affairs and the life of the country must necessarily be stunted. No democracy can exist where a foreign language is used for these purposes. A democracy must be well informed and must be able to understand and follow public affairs in order to take an effective part in them. It is inconceivable that a democracy can do this if a foreign language is largely used. It becomes essential therefore to conduct the business and politics of a country in a language which is understood by the masses. So far as the provinces are concerned that must be the provincial language.

We are certainly not against the use of English. Indeed from the necessities of the situation we feel that English must, as at present, continue for some time to come to be the most convenient medium for debate in the central legislature. We also believe that a foreign language, and this is likely to be English, is essential for us to develop contacts with the thought and science and life of other countries. We are however strongly of opinion that every effort should be made to make Hindustani the common language of the whole of India, as it is to-day of half of it. But, granting all this provincial languages will have to be encouraged and, if we wish the province to make rapid progress, we shall have to get it to do its work in its own language.

If a province has to educate itself and do its daily work through the medium of its own language, it must necessarily be a linguistic area. If it happens to be a polyglot area difficulties will continually arise and the media of instruction and work will be two or even more languages. Hence it becomes most desirable for provinces to be regrouped on a linguistic basis. Language as a rule corresponds with a special variety of culture, of traditions and literature. In a linguistic area all these factors will help in the general progress of the province.

The National Congress recognised this linguistic principle 8 years ago and since then, so far as the Congress machinery is concerned, India has been divided into linguistic provinces.

Another principle which must govern a redistribution of provinces is the wishes of the people concerned. We who talk of self-determination on a larger scale cannot in reason deny it to a smaller area, provided of course this does not conflict with any other important principle or vital question. The mere fact that the people living in a particular area feel that they are a unit and desire to develop their culture is an important consideration even though there may be no sufficient historical or cultural justification for their demand. Sentiment in such matters is often more important than fact.

Thus we see that the two most important considerations in rearranging provinces are the linguistic principle and the wishes of the majority of the people. A third consideration, thought not of the same importance, is administrative convenience, which would include the geographical position, the economic resources and the financial



stability of the area concerned. But administrative convenience is often a matter of arrangement and must as a rule bow to the wishes of the people.

In looking at the map of India to day we see definite linguistic areas. There is the Hindustani block all over northern India, with its slight variation into Panjabi in the Punjab. Then there is the Bengali area, the Assamese, the Oriya, the

#### Linguistic areas.

Telogo, Tamil, Malayalam, Canarese, Marathi, Gujarati and Sindhi. Across the Bay of Bengal there is the Burmese area. Demands have been made from time to time for the separation of Andhra, the Telugu area, of Utkal (Oriya), of Karnatak (Canarese), Kerala (Malayalam), Sind (Sindhi), Central Provinces (Hindi speaking area) and other parts, and all these will have to be enquired into and carefully considered when a general redistribution is taken in hand. We have no material before us to give any opinion about most of these areas. We have received no representations except in regard to the Karnataka and Sind. We have also received a small book giving the case for Utkal

#### Utkal.

but we regret we have been unable to consider it in the absence of any special memorandum or representation. Our colleague, Mr. Subhas Chandra Bose, is however satisfied that the Oriya speaking areas should be amalgamated and constituted into a separate province if this is financially possible. He is further of opinion that the demand for the amalgamation of the Bengali speaking tracts in Assam and Bihar and Orissa is a reasonable and legitimate one.

As regards Kerala we have received a resolution of their Provincial Conference urging unification and separation. *Prima facie* Kerala

#### Kerala.

offers a great many difficulties as a great part of it consists of the States of Travancore and Cochin. Leaving out these States, as we must under present circumstances, we have a small area. We are thus at present not prepared to make any recommendation, in the absence of any material, in regard to Kerala.

The case for the Karnataka was placed before us by a representative of the Karnataka

#### Karnataka.

Unification Sangh and the Karnataka Provincial Congress Committee. It had been ably prepared with a wealth of information, historical, cultural and statistical. All our questions were answered satisfactorily and in our opinion a strong *prima facie* case for unification and the formation of Karnataka as a separate province was made.

Part of the Karnataka lie in Indian States, notably Mysore, and there are obvious practical difficulties in the way of uniting these with the rest. It might also not be convenient to unify the small islands of the Karnataka on the other side of Mysore territory as these would be cut off from the Karnataka proper by Mysore. But even so a sufficiently large area remains.

We were informed that the demand for unification came from the vast majority of the population, if not practically all. There was no Hindu-Muslim problem but there was a Brahman-non-Brahman problem although this did not affect the question of unification much. There was no organised opposition although a small number of Brahmans were opposed. On behalf of the Maharashtrians in some of the border districts a fear was expressed that their language might suffer, but safeguards for this might be provided for.

Financially the position of the Karnataka was very strong and even at present there was a considerable surplus in the British part of the Karnataka.

Our colleague, Mr. M. S. Aney, does not wholly agree with our view point regarding the Karnataka. He was unfortunately not present at the sitting of the Committee when this question was considered with the help of the representative from the Karnataka. Mr. Aney is of opinion that the opposition may be greater than we imagine and they may not have approached us as they did not know that we were considering the question. This is hardly likely as the press of the Karnataka has been full of this question and considerable publicity has been given to the Karnataka representation to our Committee. If any body of men felt keenly enough in opposition to this demand we think that they would certainly have informed us of their views.

We cannot of course decide this question finally but we feel that the advocates of unification have *prima facie* established their right to it. We cannot suggest the exact limits of the new province. It may be that some of the border tracts are bilingual and an enquiry will have to be made on the spot. This work will have to be done by an expert committee. Messrs. Aney and Pradhan refrain from expressing any opinion on the subject.

It is unfortunate that although the separation of Sind has given rise to a great deal of heated argument, we are yet not in possession of all the relevant facts, such as were placed before us by the representative from the Karnataka. We would commend

Sind,

the way the Karnataka case was prepared, with patient thoroughness and maps and statistics, to those who have demanded the separation of Sind. As we have already pointed out, the Ali-Parties Conference appointed a sub-committee in Delhi to investigate the financial aspect of the question, but unfortunately no facilities were placed before this sub-committee by the supporters of separation, and it has not yet reported. We do not know if it is likely to submit any report in the near future. For the present, however, we have to proceed on general principles and without the help which actual authenticated figures might have given us.

We laid down two important general considerations in regard to the distribution of provinces—linguistic and the wishes of the majority. Sind certainly satisfies both these tests. It is a definite linguistic area and the great majority of its people may be taken to demand separation. We have of course no definite data about the number of people desiring separation. But we have yet to know that even a single Mussalman opposes it, and Mussalmans are 74 per cent of the population. We also know that some at least of the members of other communities in Sind—Hindus and Parsis—support separation. We may therefore safely presume that the great majority of the population desire separation. We are aware that there is a section amongst the Hindus, comprising, it may be, most of the Hindus in Sind, which is strongly opposed to separation. It has been urged that before a province is separated a section—one third has been suggested—of the minority community must also agree to such separation. This, it seems to us, is an utterly wrong principle, cutting at the roots not only of self-determination but of the very principle of decision by majority and is likely to lead to extraordinary results. For instance, it may be that 10 per cent or 15 per cent of the population may effectively prevent the 90 per cent or 85 per cent from having their way. This is not democracy.

Then again what is the minority community in such a case? Ordinarily a redistribution of provinces is not likely to be a Hindu-Muslim or communal question. The minority which opposes will oppose on the merits and not on communal grounds. How is a single person belonging to this minority to be made to change his opinion? And if some people are converted, another minority remains and it may be urged again that one-third of these should be won over.

Sind undoubtedly satisfies the two main tests. Further it is clearly a geographical unit and its connection with Bombay is a most unnatural one. It is not even easily accessible from Bombay and thus from an administrative point of view a separation is desirable.

It is stated, however, that economically, and even more so financially, Sind cannot shoulder the burden of a separate provincial existence. It is further stated that there is a large deficit in Sind every year which is met from the revenues of other parts of the Bombay presidency. We are of opinion that ordinarily a province should be self-sufficient in regard to finances and must not look to the central government for doles. We can imagine exceptional cases when the central government might reasonably help the development of a province for a short period in order to make it self-sufficient in the future. There may also be other special cases when such help may be necessary. But an area which desires separation must not live in hopes of money flowing in from outside to enable it to run its administrative machine. It must feel and declare that it will shoulder its own burden.

We shall presume that Sind is at present carrying on its government with the help of outside money. But this does not carry us very far. It may be that a retrenchment in the scale of expenditure will make both ends meet. It may also be, and this is likely, that additional sources of revenue from fresh cultivation or otherwise will increase its income considerably. This problem will have to be faced all over India as soon as we are free. Our first thought then will be to spend money on the development of the country and specially in the nation-building departments. This money can only come by applying the axe to provincial expenditure and by tapping fresh sources of revenue.

*Prima facie* Sind is capable of great development. Karachi is likely to become a great harbour and there are large tracts which are either uncultivated or not sufficiently developed. It is not an unlikely presumption therefore that Sind will become in the course of time a self-sufficient and prosperous province.

A denial of the right to self-determination on purely financial grounds, and there are no other that we think valid, is bound to lead to great dissatisfaction and is bound to impede the progress of Sind. All the energy that should go to building up the life and work of the province would be spent in fruitless agitation. If however this right is granted, subject to the people of Sind shouldering their own financial burden, a strong

impetus will be given to the new province to work hard and compete with the more advanced provinces.

We feel therefore that the argument for the separation of Sind is very strong. In the absence of sufficient data regarding the financial position we are unable to give a definite opinion on it. But it is unlikely, to say that least of it, that financial considerations will be such as to override all the other important factors which we have discussed. We would say therefore that unless some insurmountable difficulties supervene, and we are for the present unable to imagine any such insuperable difficulties, Sind should be separated.

We would add that our colleagues Messrs. Aney and Pradhan are not wholly at one with us in the arguments we have advanced. They agree that Sind is a linguistic area and that there is a strong demand from the majority of the population for separation. But before giving a final opinion they wish that an enquiry be made into the financial and administrative aspects. We ourselves are of opinion that some investigation into the financial aspect will be necessary before separation can be effected.

We might add that the separation of an area and the formation of a new province does not necessarily imply a separate economic life. Nor does it mean a duplication of all the organs of Government. For instance it is quite possible for one High Court to serve more than one province.

Before leaving the subject of Sind we must notice a document called the "Sind Pact" received from the Sind National League. It consists of ten clauses covering a wide field and bears 31 signatures of Hindu, Muslim and Parsi gentlemen. We have also received representations from the Sind Aryan Samaj and the Sind Provincial Hindu Sabha and a number of telegrams from individual Hindu Sindhis repudiating this pact and challenging the representative character of its authors. We have no materials before us to judge between these rival claims to represent Sind nor do we think it is any part of our business to do so. It is clear that there is no such general agreement among Sindhis as would impose an obligation on this Committee to adopt the "pact" as such. As a representation from a number of responsible gentlemen it has had our very careful consideration. We have already noticed the clause relating to the reservation of seats and expressed our inability to agree to it. As regards the desirability of the separation of Sind from Bombay we are at one with them, but we regret we cannot take their declaration to "cut their coat according to their cloth" as a final solution of the financial problem. This matter must for the present rest where we have left it. It is not necessary to notice the other clause of the "pact."

## CHAPTER V.—THE INDIAN STATES AND FOREIGN POLICY.

We now come to the all important problems of the Indian States. At the commencement of our treatment of the subject we desire to enter a caveat against the general criticism (which it has become the fashion in certain quarters at present to make against public men in British India) that they ignore in their discussions or their schemes the very existence

Attitude of public men and  
organisations towards  
Indian States.

of the Indian States and the problem of their relations to the Government of India of the present or of the future. It is not, we maintain emphatically, the fact that the Indian States or their problems or the readjustment of their relations to the Government of India, have been ignored in the past on public platforms, or in political conferences, or in the utterances of our public men. If the grievance is that the affairs of the Indian States, or the nature and character of their relations with the Government of India, have not been discussed on the floor of the Legislative Assembly, the answer is plain and it is that such discussion is barred by the standing orders and in practice is never allowed. It is obvious that for this the responsibility cannot be fixed on Indian public men. On the other hand, there is scarcely a political organisation of influence in the country which has not had in recent years to say something or other on the problem of the Indian States. The Congress and the Liberal League and the Hindu Sabha and lastly the All-Parties Conference, to which this Committee owes its existence, have far from ignoring the problem, laid considerable stress on it. The subjects of the Indian States also have been showing a lively interest in the internal affairs of their respective States and urging for a definite recognition of popular rights and liberties. They have held two representative conferences and a committee appointed by the second held at Madras has approved and recommended to us a scheme of Swaraj embracing British India and the Indian States. We shall deal with this scheme later on. We are aware that the sensitiveness of some Indian princes has in recent years been touched by what they consider to be a somewhat intrusive interest taken in them by public opinion in British India, which they have condemned as either

acking in knowledge, or political sagacity or sympathy. We, therefore, very strongly epudiate the ill-founded charge that intelligent public opinion in British India has been oo self-centred to look beyond the confines of British India or has shown any unwillingness to understand the view point of the Indian princes or their subjects, or even to sympathise with it wherever and whenever it has been possible to extend sympathy. If it has at times been critical of some of the "claims" of the Indian princes, or if it has at times approached their internal problems or tried to envisage the development of the constitutional relations between them and the future self-governing India from a different angle of vision, it is no more than what it is clearly entitled to do. We are afraid that the present tendency to stress the problem of Indian States as presenting insurmountable obstacles in the way of British India achieving dominion status is full of incalculable mischief for both, and instead of helping to bring the "two Indians" closer to each other is likely to give rise to serious misunderstandings.

#### Affinities between British India and Indian States.

While the fact that there is an "Indian India" consisting of these States—some almost as big as, if not bigger than, some of the countries of Europe—enjoying, in a way 'internal sovereignty,' 'autonomy' and 'independence,' dignities and status—may be and has to be freely admitted, we think it would be very poor statesmanship and shortsighted policy to ignore those obvious historical, religious, sociological and economic affinities which exist between the people of British India and the people of these States. Nor do we think that it is possible to erect artificial geographical barriers between the two. Ideas and opinions travel from one part of India to another much more rapidly than was the case 60 or 70 years ago, and it would be absurd to deal with the problem of Indian States on the assumption that the dynamic forces now in operation in British India can for a very long period of time be expected to spend themselves on the borders of British India. It is inconceivable that the people of the States, who are fired by the same ambitions and aspirations as the people of British India, will quietly submit to existing conditions for ever, or that the people of British India, bound by the closest ties of family, race and religion to their brethren on the other side of an imaginary line, will never make common cause with them. In dealing with the problem, therefore, we would much rather base our conclusions upon the community of interests than upon differences of form. This community of interests would clearly point to joint action by the parties concerned as the most natural course to adopt with a view to mutual protection and advancement. Indeed if there ever was a case for a round table conference at which a perfect understanding could easily be reached it was this. With the representatives of the princes, of their people, of the British Government and of the people of British India assembled at such a Conference all difficulties could have been solved with mutual goodwill. But most of the princes have unfortunately chosen to ignore the two most important parties—their own people and the people of British India—and have asked for or acquiesced in the appointment of the Butler Committee which, apart from the absence of necessary parties, is precluded by its very terms of reference, as we read them, from dealing with the constitutional issue. This committee is sitting in camera but such information as is available from published statements leaves no doubt in our minds that an attempt is being made to convert the Indian States into an Indian Ulster by pressing constitutional theories into service.

We have referred in our introduction to the constitutional question raised by Sir Malcolm Hailey in his speech in the Legislative Assembly in February, 1924. The same or similar questions have since been raised in other quarters and we now proceed to deal with them.

The constitutional position at the present moment, notwithstanding some vagueness that may surround it, is by no means difficult to understand. It is claimed that according to true constitutional theory the Indian States are and have been in relation with the Crown, whether treaties were with the East India Company or the British Crown, or whether they have been entered into since 1858 with the Government of India. Now it is obvious, that the Crown under the constitutional does not mean the King alone. It is a convenient constitutional phrase used to indicate the King-in-Parliament. Before 1858, the East India Company exercised sovereign rights, under powers delegated by the 'Crown,' and since 1858 those powers have been exercised under delegated authority by the Government of India and the Secretary of State who is an integral part of the machinery established by Parliament for the Government of India. Section 67 of the Act of 1858 provided that "all treaties made by the said Company shall be binding on Her Majesty" and similarly section 132 of the Act now in force provides that "all treaties made by the East India Company, so far as they are in force at the com-

mencement of this Act, are binding on His Majesty." In point of fact, the enforcement of those treaties, the fulfilment of the obligations created by those treaties and the interpretation of those treaties, have hitherto been among the normal functions and duties of the Government of India, subject to a so-called 'appellate' or supervisory jurisdiction of the Secretary of State for India. It is inconceivable that any Indian prince could, under the present constitution, ignore the Government of India or the Secretary of State and take up any matter relating to such obligations to the King or to His Majesty's Government. Again, the fact is that the Government of India have acquired certain powers by mere practice, usage or convention which were outside the scope of the written treaties. The Foreign Jurisdiction Act of 1890, and the Indian Foreign Jurisdiction Act XXI of 1879 have not unoften been resorted to by the Government of India for the extension of their jurisdiction.

By the resolution dated the 29th of October, 1920, the Government of India have given effect to the recommendations contained in paragraph 309 of the report on Indian Constitutional Reforms which prescribed a procedure for dealing with cases in which "the question arises of depriving a ruler

of an important State, temporarily or permanently, of any of the rights, dignities, powers or privileges to which he, as a ruler, is entitled or debarring from succession the heir-apparent or any other member of the family of such ruler who according to the law and custom of his State is entitled to succeed."

In his letter dated the 27th March, 1926, Lord Reading emphasised the constitutional position as follows:—(a) The sovereignty of the British Crown is supreme in India, and therefore no ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy

is not based only upon treaties and engagements, but exists independently of them and, quite apart from its prerogative in matters relating to foreign powers and policies, it is the right and duty of the British Government, while scrupulously respecting all treaties and engagements, to preserve peace and good order throughout India. (b) The right of the British Government to intervene in the internal affairs of the Indian States is another instance of the consequences necessarily involved in the supremacy of the British Crown. (c) The varying degrees of internal sovereignty which the rulers enjoy are all subject to the exercise by the paramount power of this responsibility."

It is a matter of common knowledge that the exercise of these large powers, or to be more accurate, the decision of the Government of India to exercise these powers in the case of some princes in recent years, has been the subject of much comment and dissatisfaction, and the exposition of the constitutional position in Lord Reading's letter to His Exalted Highness the Nizam, from which we have quoted above, has led since to much searching of heart. It is not our intention or purpose to discuss the merits of the claim put forward in that letter. We simply desire to draw attention to it to show that even these large powers can only be exercised at the discretion, upon the initiative and by the machinery of the Government of India.

By usage or convention, or as a necessary corollary to the paramountcy of British power, the Government of India have claimed and exercised the right of (a) "installing" princes on the *gaddis*, (b) administering the States during the minority of the ruler, (c) settling disputes between rulers and their *jagirdars* and (d) interfering in cases of gross misrule. With any legitimate desire on the part of the Indian princes to get their grievances in these respects remedied, it is possible, even for democratic India to sympathise; and we feel that it is by no means impossible or impracticable to define the limits within which the Government of India, as it is constituted at present, or as it may be in future, may seek to interfere. We think however that the plain fact ought not to be overlooked that the Government of India as a dominion will be as much the King's government, as the present Government of India is, and that there is no constitutional objection to the dominion government of India stepping into the shoes of the present Government of India.

If there are personal ties of allegiance or devotion which bind the Indian princes to the throne, person or dynasty of the King, they cannot, and ought not, to suffer in strength by a change or modification in the composition of the King's government in India, when India attains dominion status. There will always be plenty of room for the discharge of those duties to the Crown and for the exercise on the part of the Crown of those prerogatives which may be inseparable from the personal relation that might have subsisted between the Crown and the Indian rulers.

We shall now turn to the latest contribution on the subject. It comes from no less distinguished an authority than Sir Leslie Scott, the learned counsel engaged by the princes, who has expressed his views in a letter which has been printed in

Sir Leslie Scott's views.

the July number of the "Law Quarterly Review". We recognise his eminence as a lawyer, but we cannot help feeling that his views as counsel for the Indian princes have yet to be tested by an independent judicial or legal authority after having both sides of the question presented to it. So far as we are concerned we venture to differ from him entirely. After laying down that the relationship between the Crown and the Indian States cannot be governed either by international or municipal law, Sir Leslie Scott asks 'To what system of legal principles then are the relations of an Indian State to the Crown referable? There is no legal decision to serve as precedent, no complete analogy to guide. Resort must be had to first principles of law. We must think things out for ourselves. It is almost a virgin field for the lawyer. Even if it is a virgin field for the lawyer, and we venture to say this is not quite correct, we think it is more a case for the constructive statesman than for the analytical lawyer. Sir Leslie Scott has in this letter stated five definite propositions, some of which may be admitted to be correct, others of which strike us as being too broadly put. In any case the conclusion which is sought to be drawn from these propositions is of such far-reaching consequence that it may be taken as definitely certain that if the Indian princes decide to take their stand upon the position so ingeniously argued out for them, British India must substantially discount their profession of sympathy with its aspirations to dominion status, and treat their reference to the federation of India as no more than a vision, the realisation of which must be left to a remote and uncertain future. The first proposition of Sir Leslie Scott is that 'the fundamental tie is consent and its recognition by Britain is unequivocal'. This may be assumed to be true. It implies nothing more than what can be said of any two states bound together by treaties or mutual understandings.

The second proposition formulated by him is that "those contracts are between sovereigns—The Prince and the Crown—not the Company or the Government of British India". This proposition to our mind is untenable historically and legally, and in any case, whatever may be the true legal theory, actual practice shows that the Indian princes and States have dealt with the Government of India, and submitted to its rulings and intervention, and have never dealt with 'the Crown' or His Majesty's government. The fact that there may be personal relationship between His Majesty and an Indian prince does not in our opinion alter or affect the real legal position or the interpretation of that legal position in actual practice.

The third proposition is "that the relationship is wholly legal—a nexus of mutual rights and obligations. It is in no sense arbitrary". We should have thought that one of the main grievances of the Indian princes was that the Government of India had in actual practice extended their jurisdiction over them by going beyond the legal relationship in an 'arbitrary' manner. If they are protesting against the 'arbitrary' extension of such jurisdiction, it is in our opinion an understandable position, but it is somewhat remarkable that the importance of this proposition in the setting in which it is stated lies not so much in its practical application in the present, as in relation to possible constitutional developments in British India.

The fourth proposition is that the princes in making these contracts gave their confidence to the British Crown and nation; and the Crown cannot assign the contracts to any third party. "The British Government as paramount power has undertaken the defence of all the States, and therefore to remain in India with whatever military and naval forces may be requisite to enable it to discharge that obligation. It cannot hand over these forces to any other Government—to a foreign power such as France or Japan; to a dominion Government such as Canada or Australia; nor even to British India" (*our italics*).

The necessary corollary to this is stated in the fifth proposition viz., that "The Crown can normally choose its agents. But an agent cannot act when his interest may conflict with his duty. In all matters of common concern with the States—customs, railways, ports, the salt monopoly, etc.—there is always the possibility that the interest of British India may not be identical with the interest of a particular State. The Crown's duty is, or may be, to safeguard the interest of the State—particularly in case of a minority administration. Should the interest of the agent be given the chance of conflicting with the duty of the principal?" This if true is putting up an effective barrier against the progress of British India towards dominion status, now and for ever, for it is obvious that if these 'contracts' between the Indian princes and the British Crown and nation are of a personal character India must always continue to be divided between what is British India and Indian States, and the British nation must always maintain adequate military and naval

forces to discharge its obligations to Indian States. The argument we venture to say does not appear to us as anything more than ingenious. It starts on a false analogy and in applying that analogy ignores the "hard facts" of the case. There is no ground for the assumption that contracts between the princes and the Crown are on the same footing as contracts between private individuals. Sir Leslie Scott has himself pointed out in an earlier part of his letter that the princes continued to retain the attributes of sovereignty even after parting with some of its functions to the Crown. It is as such sovereigns that they must be taken to have dealt with another sovereign whether we take the latter to be the East India Company or the King in Parliament.

Again, it is not true to say that every contract between private individuals is of such a personal character as to be incapable of being performed by any one else. There is no question of one of the contracting parties having any special confidence in the other. The so-called contracts were made under stress of circumstances and would have been of the same or similar character with any other power if it occupied the same position as the British. The argument ignores the settled practice of the Government of India and, by invoking so-called first principles in determining the "legal relationship", it overlooks the hard and unchallengeable fact that from the early days of the Company it has been the Government of India and the Government of India alone which has dealt with Indian princes and Indian States. It introduces an element of "personal confidence" between them and the British nation which is not easy to understand. It suggests that the past and present Governments of India which have so far exercised the power, said to be delegated from the Crown, were and are acceptable to the Indian princes and Indian States; but that the future Government of India, if it is to be of the dominion type, will not be so acceptable. This in plain English means that the past and present governments of India were acceptable because they were essentially foreign in their composition and not responsible to the Indian electorate and that the future responsible Government of India would not be acceptable to the Indian princes because it will consist of their own countrymen and because it will be responsible to an electorate of their own countrymen. But supposing that this is so, is there any authority for the proposition that when a "contract" may be performed by an agent the choice of that agent does not rest with the principal but with the other party to the "contract." We have shown that so far the "contract" has been performed by white agents to the apparent satisfaction of the brown princes. On what principle of law, we ask, may that "contract" not be performed by brown agents to the equal, if not greater, satisfaction of the brown princes?

Let us now consider the argument that the principal cannot delegate to the agent the discharge of obligations where the agent's interest conflicts with his duty. Here again we find that the hard facts have been entirely ignored. The argument overlooks the fact that the agent of the Crown *viz.*, the present Government of India, has been regularly acting when its interest has conflicted with its duty, without any qualms of conscience on the part either of its principal or of the agent and without any public protest on the part of the Indian States. Sir Leslie Scott then says that when "the legal relationship" has been "made clear"—that is to say according to his own conception of that relationship—"suitable constitutional machinery for harmonious working between the two sides of India can be devised, and the States have already made it clear that they are ready and willing to follow such a plan on reasonable lines." In other words if Sir Leslie Scott's theory of personal relationship and personal confidence, and the consequent duty of the paramount power remaining in India to discharge its obligations, is accepted, the princes would be ready and willing to fall in with British India on reasonable lines. Once this argument is accepted as sound it is obvious that whatever be the machinery devised for harmonious working between the Indian States and British India, dominion status for India must be ruled out for all time to come. We have shown that this argument is wholly unsound, and we sincerely hope that legal ingenuity will not be allowed to prevail against the large interests of the country, and that the patriotism and statesmanship of the Indian princes, aided by the growing patriotism and love of freedom among their subjects, will be concentrated more upon the establishment of practical machinery for the settlement of issues between them and a responsible Commonwealth of India than upon a determination of the theoretical question of legal relationship, which can do them no good and is fraught with mischievous possibilities which can only lead to disaster. Mutual relations can only be satisfactorily determined with mutual consent and we believe that there is still plenty of room for it. But we must sound a note of warning that the manual and the legitimate aspirations of India cannot and will not be allowed to be defeated or checkmated by ingenious arguments which have no application to facts as they are.

We take special note of the following passage in Sir Leslie Scott's letter :—

"The political issues are of first-class importance to the future of India as a whole. Their wise solution will affect directly the successful accomplishment by Sir John Simon and his colleagues of the task imposed by Parliament upon the Statutory Commission for British India. From an Imperial standpoint a statesmanlike treatment of the Princes now may well prove a vital factor in the future attitude of India towards the British Empire."

So that the findings of the Butler Committee arrived at in camera are to decide the fate of the people of British India without the latter being given a chance to be heard, and Sir John Simon and his colleagues, who are themselves not seized of these "political issues of first class importance," are to be guided by their "wise solution" by the Butler Committee if they are to accomplish successfully the task imposed by Parliament upon them. This was foreseen in India and openly declared from various platforms. We know now exactly what the Statutory Commission is going to accomplish. The only wise solution of these issues suggested by Sir Leslie Scott is that the British Government must "remain in India with whatever military and naval forces may be requisite to enable it to discharge its obligations." We thank Sir Leslie Scott for this authoritative forecast of the recommendations of the Statutory Commission which fully justifies the attitude taken in regard to it by all the well-known parties in India.

Leaving aside the theory of the relationship between the Crown and the Indian princes and coming to the position as it is, we maintain that we are right in saying that as a matter of fact and actual practice, it is with the Government of India that the Indian princes come into direct contact in regard to everything that concerns them or their States. It is wellknown that the Political Secretary of the Government of India exercises vast powers over the Indian States. Without being a member of the Government of India, he practically discharges all the functions of a member, for there is no separate member in charge of the political portfolio, the political department being supposed to be in the direct charge of the Governor-General. The present position is that if the political department gives any decision against an Indian State or an Indian ruler, the only remedy available against it is 'an appeal, under certain conditions and subject to certain limitations, to the Secretary of State.' We are aware that in the present circumstances this is supposed to be a valued right, but this is probably due to the very unsatisfactory procedure followed in the first instance in India. It is obvious that a right of appeal in a case which is not fairly tried is of little value and we think that it is possible to replace it by adequate constitutional provisions for the future.

In ordinary experience, the matters in regard to which the Indian States come into contact or conflict with the Government of India are those relating to customs, excise, extradition, railways, post offices, and ports or harbours. In addition to this, there is the bigger common interest of self-defence. It is not necessary for us to examine what are understood to be the grievances of the Indian States in regard to these matters. We simply note the fact that responsible Indian rulers and ministers of Indian States have, at times, raised their voice against what they have described to be the inequitable treatment which they received at the hands of the Government of India. How far those grievances are capable of being remedied, and how best they can be remedied, are matters for investigation and joint consultation, but we venture to think that their solution is not inextricably mixed up with the continuance of the present constitution of the Government of India, or the establishment of an entirely separate and independent machinery for the exclusive treatment of these subjects. If we refrain from going into this question at greater length, it is only because the public have not hitherto been permitted to know enough of the scheme which has been in the course of incubation during the last few months. But if it is permissible to us to draw our own inferences from such statements as have been made in this connection by Sir Leslie Scott, the counsel for the Indian princes, before his departure for England, we shall sound a note of warning against the attempt that is being made to duplicate the machinery, by bringing into existence a separate Council for the Indian States to work with the Governor-General. Apart from the fact that it will be a cumbersome thing, its separate existence cannot secure the solution of matters of conflict with British India or with the future Commonwealth Government. It strikes us as being a vicious extension of the system of diarchy with all its attendant incongruities, inconveniences, and constitutional difficulties.

A federation of some sort was foreshadowed by Sir Malcolm Hailey, in the speech to which we have already referred, and there is no doubt that some such idea is also present to the mind of Sir Leslie Scott. But if the constitution of India is to be a federal one, as we think it might well be, the position of the Indian States in relation to that federation appears to us to call for a definite determination and the ideas on the subject require to be cleared up. Are the Indian States willing and ready to join a real federation? We



put this question as we believe that the lines on which the princes and Sir Leslie Scott are working cannot lead to any kind of federation in its well understood sense. 'A federal state', says Professor Newton, 'is a perpetual union of several sovereign states, based first upon a treaty between those states, or upon some historical status common to them all, and secondly, upon a federal constitution accepted by their citizens. The central government acts not only upon the associated states but also directly upon their citizens. Both the internal and external sovereignty of the states is impaired and the federal union in most cases alone enters into international relations'. It would be, in our opinion, a most one-sided arrangement if the Indian States desire to join the federation, so as to influence by their votes and otherwise, the policy and legislation of the Indian Legislature, without submitting themselves to common legislation passed by it. It would be a travesty of the federal idea. If the Indian States would be willing to join such a federation, after realizing the full implications of the federal idea, we shall heartily welcome their decision and do all that lies in our power to secure to them the full enjoyment of their rights and privileges. But it must be clearly borne in mind that it would necessitate, perhaps in varying degrees, a modification of the system of government and administration prevailing within their territories. We hope and trust that in the light of experience gained the Indian States may make up their mind to join formally the federation. Meanwhile, we think that it is by no means impracticable to provide suitable machinery for the settlement of mutual differences on administrative and other matters. The practical question of the preservation of their treaty rights and such independence as they have enjoyed or as they claim, is, in our opinion, far more important than the arid and academic discussion of the question, whether in theory their relations are with the Government of India or with the Crown.

Accordingly, we have provided that (a) all treaties made between the East India Company and the Indian States and all such subsequent treaties, so far as they are in force at the commencement of this Act, shall be binding on the Commonwealth. (b) Our recommendations.

The Commonwealth shall exercise the same rights in relation to, and discharge the same obligations towards, the Indian States as the Government of India exercised and discharged previous to the passing of this Act. We have made these suggestions in no spirit of vanity or idealism. We fully realise their implications and the obligations that such provisions will impose upon the future Government of India. We do believe that the Government of India of the future will discharge their obligations in their integrity and with every desire to promote harmonious relations and no desire to override cherished privileges or sentiments. Similarly, in regard to matters of a justiciable character, we have suggested that 'in case of any difference between the Commonwealth and any Indian State on any matter arising out of treaties, engagements, sanads or similar other documents, the Governor-General-in-Council may, with the consent of the State concerned, refer the said matter to the Supreme Court for its decision'. We think that this will be a far better method of settling such matters than the present arrangement under which the Government of India is both a party and a judge in a controversy between itself and an Indian State. We need scarcely point out that we anticipate that the judges of the Supreme Court will be men of the highest legal training, character and judicial independence.

In regard to non-justiciable matters involving financial and administrative relations, it should not be difficult to come to a settlement by mutual Conference and understandings. The position in the future will not, to our mind, be worse than it is. Indeed it is likely to be better, where, between different States, there are honest differences and an independent effort is made to arrive at just and equitable settlements. Practical goodwill and larger common interest are of far greater value than any meticulous considerations of ultimate sanctions. It is obvious to our mind that the question of common defence is one which is bound to be in future the rallying centre of the Government of India and the Indian States, and if it has been possible in the past to sustain common obligations and to keep alive a common sense of duty to the country at large, we do not despair of the future.

In making these observations we feel that we have not had the advantage of discussion with the representatives of the Indian princes, and we are alive to the possibility of much greater light being thrown on some dark corners of the entire problem by such discussions. Meanwhile, we content ourselves by saying that while we recognise that an Indian federation, compatible as it will be with the maximum degree of autonomy in the local units, whether provinces or States, can be the only solid foundation for responsible Government, we are not prepared to concede that until Indian States have made up their minds to join this federation in the most formal manner, British India must be denied full responsible Government or dominion status, merely because it is supposed that the

obligations which the Crown or the present Government of India owe to the Indian States, can be discharged only by a Central Government which is, and must for that reason continue to be, undemocratic. Such an argument can only mean that the Indian States, while professing their sympathy with progress in British India, must effectually defeat our aims and aspirations by an attitude based not on enlightened self-interest, but on practical hostility to our aims and aspirations.

While however the Indian princes have not given us the benefit of mutual consultations and discussions, their subjects have been represented before the All-Parties Conference and have put forward their case with ability. The recommendations made by the first committee of the Conference in regard to the Indian States have been severely criticised by Mr. Hosakoppa Krishna Rao, member of the Mysore Representative Assembly who has also prepared a "Swaraj Constitution" which has been approved by a committee appointed by the All-India States Subjects Conference, Madras. We have carefully considered these criticisms and the draft Swaraj constitution of Mr. Krishna Rao. But we regret that in view of the constitutional position we have discussed above we are unable at present to recommend a detailed constitution which would embrace both British India and the Indian States.

It is well-known that the expression "Indian States" does not connote any particular form of Government. The authors of the report on Constitutional Reforms have thus described these States :—

"They are in all stages of development, patriarchal, feudal or more advanced while in a few States are found the beginnings of representative institutions. The characteristic features of all of them however including the most advanced are the personal rule of the prince and his control over legislation and the administration of justice".

So long as this characteristic feature of personal rule does not undergo a material change the expression "Indian State" must be taken to mean "the individual ruling prince of the State concerned" and has no reference to the nature of the administration. This material change cannot be effected constitutionally without the consent of the rulers of the States who alone represent their Governments. Mr. Rao says that "tradition, convention, sentiment and above all an intense feeling of loyalty too deep to be rooted out and finally, a keen desire to preserve the individuality of their respective States firmly bind them (the people of the States) to the Ruling Houses. Consequently they do not hanker after unity but desire only union with British India." With all this tradition, convention, sentiment and intense loyalty to the rulers, Mr. Rao completely ignores their wishes, abolishes all treaties and arrangements between them and "His Majesty or the Parliament of the United Kingdom or the King in Council or the Secretary of State for India or the Governor-General-in-Council or all the said authorities" and declares by one sweep of the pen that such treaties or arrangements shall become null and void at the date of the commencement of the constitution. He then guarantees to the States "territorial integrity, internal autonomy and stability of constitutions and the fundamental rights of their people," subject to conditions which have never been accepted by them. He provides for the withdrawal of the guarantee in case the States fail to fulfil the conditions laid down by him. We are not told what is to happen if the rulers of the States do not accept either the guarantee or the conditions attached to it and what are the "necessary measures" which Mr. Rao proposes to take against them if they fail to fulfil his conditions. As regards the form of Government it is to be a "hereditary monarchy, i.e., a Government in which the head of the State shall be the hereditary Governor or administrator with a popular Assembly and an executive responsible to that Assembly". He ends with a reservation of the "right of the people of the Confederation to claim the fullest national independence (that is an unqualified divorce of her political, economic and social relationship from Great Britain and the British Commonwealth of Nations) and evolve her future constitution on a full-fledged federal republican basis, in case no settlement is agreed to by the British and the Indian Governments on the basis of this Constitution".

It is hardly necessary to point out the inconsistencies of these provisions or to criticise them on constitutional grounds beyond which we have not permitted ourselves to go for reasons already stated.

We have hitherto dealt with the relations of the Government of India with the Indian States. We now propose briefly to advert to the relations of the Government of India with foreign states. In one sense we are aware that the position of India as compared to some of the dominions is peculiar. India has got a vast land frontier on the north-west and the north-east, and it has to come into contact with foreign powers and semi-independent tribes. The foreign department of the Government of India is practi-

#### Foreign Policy.

pared to some of the dominions is peculiar. India has got a vast land frontier on the north-west and the north-east, and it has to come into contact with foreign powers and semi-independent tribes. The foreign department of the Government of India is practi-

cally in charge of the Foreign-Secretary who works directly under the Governor-General. His duties are multifarious; he has to look after the North-West Frontier provinces, he is in control of the affairs of the tribes in the 'Agency Tracts', he has to deal with semi-independent chiefs in the North-West Province and elsewhere. His jurisdiction extends in some matters to the Persian Gulf and Aden. Some matters—not all—falling within his jurisdiction occasionally come up for discussion in the legislature and then he has to defend or explain the policy of the Government of India. The bigger questions of policy, having an imperial aspect, are settled not in India, but in England, and we realise that in a well-knit Commonwealth of Nations it is inevitable that, consistently with the independence of the dominions, there must be to some extent at least uniformity of foreign policy, but this is in the case of the dominions achieved more by mutual discussion and understandings than by any imperial mandates. Indeed the measure of freedom in regard to questions of foreign policy which in recent years has been claimed and enjoyed by Canada, South Africa and Australia has been steadily increasing, though this has not tended to weaken the safety of the empire, or to affect the possibility of a unity of policy in larger questions of relations with foreign countries or States.

In point of fact the Government of India discharge and enforce those obligations which mutually exist between His Majesty's Government and some neighbouring foreign Asiatic powers. We do not see any reason why the self-governing dominion of India should do anything less.

We are aware of the delicate nature of questions of foreign policy, and the inexpediency of discussing them at times on the floor of the legislature. We cannot see why the legislature of the dominion of India should not observe those rules of prudence and discretion which are observed in other legislatures.

## CHAPTER VI.—OTHER PROPOSALS.

We shall now consider the main provisions of the constitution, as suggested by us. These are framed as has already been stated, on the model of the dominions.

The resolution of the Madras Congress lays down that the basis of the constitution

### Declaration of Rights.

must be a Declaration of Fundamental Rights. Considerable stress has been laid on this and all the draft constitutions we have considered have formulated such a declaration. Canada, Australia and South Africa have no declaration of rights in their constitutions but there are various articles to be found in the constitution of the Irish Free State which may properly be grouped under the general head "fundamental rights". The reason for this is not far to seek. Ireland is the only country where the conditions obtaining before the treaty were the nearest approach to those we have in India. The first concern of the people of Ireland was, as indeed it is of the people of India to-day, to secure fundamental rights that have been denied to them. The other dominions had their rise from earlier British settlements which were supposed to have carried the law of England with them. Ireland was taken and kept under the rule of England against her own will and the acquisition of dominion status by her became a matter of treaty between the two nations. We conceive that the constitutional position in India is very much the same. That India is a dependency of Great Britain cannot be denied. That position can only be altered in one of two ways—force or mutual consent. It is the latter in furtherance of which we are called upon to recommend the principles of a constitution for India. In doing so it is obvious that our first care should be to have our fundamental rights guaranteed in a manner which will not permit their withdrawal under any circumstances. With perhaps less reason than we have, most of the more modern constitutions of Europe have specific provisions to secure such rights to the people.

Another reason why great importance attaches to a declaration of rights is the unfortunate existence of communal differences in the country. Certain safeguards and guarantees are necessary to create and establish a sense of security among those who look upon each other with distrust and suspicion. We could not better secure the full enjoyment of religious and communal rights to all communities than by including them among the basic principles of the constitution.

A reference to the various clauses of the declaration of fundamental rights as adopted by us will show that we have kept both these aspects in view.

The first committee of the All Parties Conference went into this question carefully and we have adopted most of their articles. We have

### Fixity of tenure.

added to the declaration an independent recommendation regarding the rights of labour and peasantry, made by the first committee, with the exception that "Parliament shall make laws to ensure fair

and fixity of tenure to agricultural tenants". We have left this out not because we do not approve of fixity of tenure but because we felt that if this was made a fundamental right it might become more of a hindrance and an obstruction in the way of the tenantry, preventing future progress, than a safeguard. The present system of land tenure in large parts of India is anything but desirable and requires radical change. We recognise that the present condition of the tenantry is very deplorable and even some fixity of tenure would bring great relief. But it would be a shortsighted policy indeed if to gain some relief now we were to barter away the future rights of the peasantry. So long as the present system endures the rights of the tenants might be safeguarded by the article in the Declaration of Rights requiring Parliament, i.e., the Parliament of India, to make suitable laws for securing a living wage for every worker.

We have added an article to the Declaration dealing with the right of all citizens to access to, and use of, public roads, public wells, and all other places of public resort. This may be considered obvious enough but in view of the peculiar circumstances and the customs prevailing in some parts of the country we feel that it is desirable to lay emphasis on it.

Certain changes and additions have also been made in some other articles. In the article dealing with the right to free elementary education we have added that there will be no "distinction of caste or creed in the matter of admission into any educational institutions maintained or aided by the state".

To the right to a writ of habeas corpus we have added that in case the central legislature is not sitting during a war or rebellion the executive authority of the Commonwealth will be entitled to suspend the right for the time being but the central legislature must be informed at the earliest opportunity for such action as it may deem fit.

At the request of our colleague Sardar Mangal Singh we have added a note to the Declaration acknowledging the right of the Sikhs to carry kirpans on any occasion.

We are of opinion that the central legislature should be bi-cameral, consisting of a Senate and a House of Representatives. The provincial legislatures should, in our opinion, be uni-cameral.

For the Senate we recommend 200 members; for the House of Representatives 500 members, with provision to increase the number if necessary, on an uniform population basis. In the provinces, as a general rule, there should be one member for every

100,000 population. But in a province with a population of less than 10 millions there may be a maximum of 100 members.

For the House of Representatives and the provincial councils we are of opinion that the largest possible franchise should be granted. Some of us were strongly in favour of adult suffrage, but others, while favouring adult suffrage as the objective to be aimed at, were of opinion that there would be too many practical difficulties in the way at the beginning. Various proposals were considered among them being, besides adult suffrage, the following:

- (i) Adult suffrage subject to registration by intending voters.
- (ii) The extension of the franchise from the present six millions to about 60 millions, leaving it to a committee to determine the franchise which would give this result.
- (iii) Any of the following
  - (a) All persons who may pay any revenue, rent or land or house rates, cesses and taxes.
  - (b) All literates.
  - (c) All persons who earn their livelihood by manual or intellectual labour.
  - (d) All such unemployed as are on the state register of the unemployed.
  - (e) Members of joint families.
  - (f) Wives of male electors.

The third proposal given above would in practice amount to something very near adult suffrage. Some of us were inclined to favour the second proposal, which increased the votes to 60 millions, as a stepping stone to adult suffrage. Adult suffrage would probably give us about 120 millions of voters in British India, and the second proposal would thus enfranchise half of these and would be a great step in advance. There were difficulties however in the way of this proposal. At present the voting ratio between

different communities is not the same as the population ratio. Thus in the Punjab although the Muslims outnumber the Hindus and Sikhs combined the number of their votes is far less than the Hindu and Sikh voters. This is due to the superior economic position of the latter. We are strongly of opinion that this anomaly should be ended and the voting ratio should be made to correspond with the population ratio. With adult suffrage this happens automatically, but with any other restricted franchise the only possible way to do it is to have different electoral qualifications for different groups and communities. Thus the basis of representation of different communities cannot be uniform and this may be considered a grievance by some groups. We were thus driven to the conclusion that the only solution is adult suffrage and we have recommended accordingly. We find that the Ceylon Reform Commission has come to the same conclusion. It has recommended a universal manhood suffrage with a restricted franchise for women over 30 years of age. The restriction has been imposed "in view of the necessity for keeping the number of votes within reasonable bounds." We see no such necessity. Any artificial restriction on the right to vote in a democratic constitution is an unwarranted restriction on democracy itself. It is quite a different thing to say that a system of universal adult suffrage is difficult to work. But the difficulty however great has to be faced if what is contemplated is full responsible Government in its true sense and with all its implications. The Ceylon Reform Commission have created a novel form of Government which has no parallel in the constitutions of the world. But whatever else it may be, it certainly is not responsible Government in any sense, and it is responsible Government alone with which we are concerned. We do not therefore propose to put any restriction on the right of women to vote which does not equally apply to men.

Universal adult suffrage is at present being successfully worked on a small scale in the elections to the Shromani Gurdwara Prabandhak Committee (Central Sikh Shrines Committee), which are held all over the Punjab. Its introduction on a larger scale only means a multiplication of the machinery employed. We do not see why such multiplication with all the trouble and expense it involves should be considered unreasonable when it is necessary for the purpose of laying the foundation upon which responsible Government rests.

We attach no weight to the objection based on the prevailing illiteracy of the masses and their lack of political experience. The proportion of literacy being very small the same objections will apply to the great majority of voters however much the franchise may be restricted. There is no reason or justice in undertaking the political education of a person earning a certain income and refusing the same education to another person earning a little less. Political experience can only be acquired by an active participation in political institutions and does not entirely depend upon literacy. There should be equal opportunities available to all to acquire this experience. The most advanced countries in the world did not wait to achieve a hundred per cent of literacy before introducing adult suffrage. Why should India?

In regard to the Senate we recommend that the electorates should be the legislatures of the provinces, a specific number of seats being allotted to each province, the basis being population, subject to a minimum.

Senate.

A majority of the first All-Parties Committee recommended a restricted franchise for the Senate, although a minority was in favour of our present suggestion. An upper house, if directly elected, can either be based on a narrow and restricted franchise or on as wide a franchise as applies to the lower house. In the latter case, it becomes merely a duplicate of the lower chamber and is totally unnecessary; in the former it represents only a small section of the community and there is always a tendency to create deadlocks and friction. There is no justification whatever for a second Chamber consisting of obscurantists and people belonging to special classes whose chief aim is to protect their own interests and obstruct all liberal measures. The only justification for it is that it ensures the reconsideration of all measures emanating from the lower houses in a somewhat calmer atmosphere and more dispassionately than is likely to be the case in the lower house when controversial matters are discussed. This is specially necessary in India owing to the existence of communal feelings. Direct election to the Senate can thus only result in either a replica of the lower house or in producing a reactionary body representing some vested interests only. The method of indirect election we have suggested gets over this difficulty. The electorate consisting of people presumably of a fairly high degree of intelligence, there is some chance that the right kind of men may be chosen, men who may not care to face the shouting and the tub-thumping which a modern democratic election with a wide electorate involves. Their electorate although restricted will not be based on status or vested interests or class. It will presumably reflect the temper

of the mass electorates in the country. There will be a greater chance of minority and other special interests to be represented, especially, as we recommend, if the election for the Senate takes place by the system of proportional representation.

There will be another advantage in the adoption of this proposal. Provinces as such will be directly represented in the central legislature and provincial view points will be expressed in the Senate. This is specially desirable to co-ordinate the provincial legislatures with the central legislature and to promote the harmonious working of the constitution.

We have suggested that a specific number of seats should be allotted to each province, the basis being population, subject to a minimum. We have not fixed a minimum. Our idea is that although the rough population test should be applied in the allotment of seats, it should not be adhered to in its entirety, so that even the smaller provinces may have adequate representation. In some countries, like the United States of America, the constituent states of the Union send the same number of members to the Senate, regardless of population. In view of the great difference in size and population of our provinces this principle of equal representation of all provinces may not be desirable but the differences between the representation of one province and another in the Senate should not be wholly disproportionate.

Term of legislatures. We have suggested that the House of Representatives should continue for five years and the Senate for seven years.

We have adopted many of the recommendations of the first committee but we have added to them and made several changes. We have not

Division of functions. provided for concurrent powers in any subject of both the central and provincial legislatures. This is likely

to lead to friction, and so we have endeavoured to place the functions of the two in entirely separate compartments with no overlapping.

The other provisions relating to legislatures are on the lines of the dominion acts. In the case of the central legislature, the House of Representatives has been given sole power to deal with money bills.

We have recommended that the executive council of the Commonwealth should consist of a Prime Minister and not more than six ministers.

The Executive. There will probably be a tendency to increase the number of ministers so as to give representation to various

communities. We do not approve of this, and in view of the provincial autonomy we are providing for, we feel that seven ministers ought to suffice in the central executive. The executive council will of course be collectively responsible to the legislature.

For the provincial executive we have suggested five ministers—a Chief Minister and four others.

The powers of the central and provincial executives are similar to those found in the dominion constitutions.

We have provided for a Supreme Court, besides the High Court, and we suggest that ordinarily no appeals should go to the King in Council except under certain conditions, which we have specified.

The Judiciary.

We draw particular attention to the cases falling under the original jurisdiction of the Supreme Court. The most important of these are matters arising out of treaties, engagements, sanads, and similar other documents between the Commonwealth

Supreme Court.

and Indian States which may be referred by the Governor-General in Council, with the consent of the State concerned, to the Supreme Court for its decision.

The division of the revenues of the country between the central and provincial governments, and the assignment of money for defence, education and other essential matters, will be difficult and will require the greatest care.

Finance.

We have recommended that immediately after the establishment of the Commonwealth a commission be appointed to institute an enquiry into.

1. The sources of revenue which may be assigned to the Commonwealth and to the provinces, and

2. The financial relations between the central and the provincial governments.

In making the recommendation we have followed the constitution of the Union of South Africa, section 118, as the most suitable.

We have laid an additional duty on this commission to appoint

## THE ALL-PARTIES CONFERENCE

- (i) a special committee to examine the whole question of the training of officers for the land, naval and air forces, and the establishment of schools and colleges to give this training.
- Training of Officers.
- (ii) Another committee to investigate and report on the introduction of general primary education, and the grant of special educational facilities to backward classes.
- Primary education and backward classes.
- (iii) Such other committees as it may consider necessary.

We feel that the commission we have recommended will not be in a position to make a comprehensive report without the help of these committees which will be composed mostly of experts.

## The Civil Service.

We have recommended that on the establishment of the Commonwealth a permanent Public Service Commission should also be appointed.

One of the first duties of the Commonwealth on its establishment will be the reorganisation and readjustment of the departments of public services. It is notorious that the Indian administration to-day is top heavy and the services are paid at a higher rate than anywhere else in the world in spite of the grinding poverty of the country. The first problem before the dominion of India will be how to find money for defence, education, industry, sanitation and a host of other purposes. We cannot possibly afford to keep extravagantly paid civil or military services and we must try to reduce the overhead charges of administration to find money for developing the country. The people, or rather the articulate section of them, have all along protested against the heavy salaries of our officials. But the only answer to these protests came in the shape of the Leo Commission. This commission as is well known was appointed in the teeth of unanimous Indian opposition and its recommendations were adopted over the head of the Indian Legislature. We feel therefore that the entire question of the sources and methods of recruitment of the services, their salaries, emoluments, pensions and allowances in the future will require re-examination in the light of the new political conditions which will be created under the new constitution. For this we have provided for the appointment of a special Public Service Commission which will cease to function after the reorganisation and readjustment of the services have been effected. But we have provided adequate guarantees for persons holding offices at the establishment of the Commonwealth both in case of their electing to retire and to remain in the service of the Commonwealth. We have given three years for the exercise of the option to retire on the same terms and conditions which may be applicable to those officers at the commencement of the Commonwealth.

We have made similar provisions for all officers serving in the army the navy, the Royal Indian Marine and in the Air Force of India serving in India at the commencement of the new constitution.

## Army Services.

## Defence.

We have suggested the appointment of a Committee of Defence consisting of :—

- (1) Prime Minister ; (2) Minister of Defence ; (3) Minister of Foreign Affairs ; (4) The Commander-in-Chief ; (5) The Commander of Air Forces ; (6) The Commander of Naval Forces ; (7) The Chief of the General Staff, and (8-9) Two other experts.

The functions of this committee will be to advise the government upon questions of general policy and as to the practicability and means of effecting retrenchments in the expenditure on defence compatibly with the safety of India. We have also suggested that the annual estimates should be framed according to the recommendations of the committee. These provision will, we believe, ensure the efficiency and proper administration of the army.

For other recommendations we refer to Chapter VII, where they are set out in detail.

## Recommendations.

## CHAPTER VII.

We have made no attempt to draft the constitution as a whole, with the precision necessary in the case of a bill intended to be introduced in the legislature. Our recommendations have by their very nature taken a form similar to that of clauses of a draft bill but they are not intended to be treated as such or understood as anything more than an indication of the principles involved, which

was all we were called upon to do by our terms of reference. It will be for the Parliamentary draftsmen to put them into shape, add formal and consequential provisions, and such details as we have omitted. It may be mentioned that some of the drafts placed before us provide for transfer orders and orders in Council to give effect to the constitution. These are very important, but more for the draftsmen than for us. On some points we have gone into greater detail than on others. But this is more or less accidental. We have drawn freely on the constitutions of the dominions as well as on Dr. Besant's Commonwealth of India Bill and the drafts prepared by Messrs. Vijayaraghavachariar, Srinivasa Iyengar and Rangaswami Iyengar, and the committee of the Independent Labour Party, and also on the Government of India Act, but have found necessary in most cases to make some verbal and at times more important alterations. We have also omitted the preamble and the definitions excepting the definition of "citizen" which was settled by the first committee appointed by the All Parties Conference. We now give these recommendations under suitable headings.

### Constitutional Status of India.

1. India shall have the same constitutional status in the comity of nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and the Irish Free State, with a Parliament having powers to make laws for the peace, order and good Government of India, and an executive responsible to that Parliament, and shall be styled and known as the Commonwealth of India.

### Operation of the constitution and laws.

2. This Act and all laws made by the Parliament of the Commonwealth thereunder shall be binding on the courts and people of every province, and of every part of the Commonwealth, notwithstanding anything in the laws of the Indian Legislature or of any province or in any Act of the United Kingdom extending to British India; and the laws of the Commonwealth shall be enforced in all Indian territorial waters.

### Definition of citizen.

3. The word "citizen" wherever it occurs in this constitution means every person:—

- (a) who was born, or whose father was either born or naturalised, within territorial limits of the Commonwealth and has not been naturalised as a citizen of any other country;
- (b) who is naturalised in the Commonwealth under the law in force for the time being.

Explanation:—No person who is a citizen of a foreign country can be a citizen of the Commonwealth unless he renounces the citizenship of such foreign country in the manner prescribed by law.

### Fundamental Rights.\*

4. (i) All powers of government and all authority, legislative, executive and judicial, are derived from the people and the same shall be exercised in the Commonwealth of India through the organisations established by or under, and in accord with, this constitution.

(ii) No person shall be deprived of his liberty, nor shall his dwelling or property be entered, sequestered or confiscated save in accordance with law.

(iii) Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, hereby guaranteed to every person.

(iv) The right of free expression of opinion, as well as the right to assemble peaceably and without arms, and to form associations or unions, is hereby guaranteed for purposes not opposed to public order or morality.

(v) All citizens in the Commonwealth of India have the right to free elementary education without any distinction of caste or creed in the matter of admis-

\* The Conference has added another article to the Fundamental Rights. This deals with titles and private property. In article (XVII) an addition has also been made giving fixity of tenure. See resolutions 10 and 11 of the Conference.



sion into any educational institutions, maintained or aided by the state, and such right shall be enforceable as soon as due arrangements shall have been made by competent authority.

(vi) All citizens are equal before the law and possess equal civic rights.

(vii) There shall be no penal law whether substantive or procedural of a discriminative nature.

(viii) No person shall be punished for any act which was not punishable under the law at the time it was committed.

(ix) No corporal punishment or other punishment involving torture of any kind shall be lawful.

(x) Every citizen shall have the right to a writ of habeas corpus. Such right may be suspended in case of war or rebellion by an Act of the central legislature or, if the legislature is not in session, by the Governor-General-in-Council, and in such case he shall report the suspension to the legislature at the earliest possible opportunity for such action as it may deem fit.

(xi) There shall be no state religion for the Commonwealth of India or for any province in the Commonwealth, nor shall the state either directly or indirectly endow any religion or give any preference or impose any disability on account of religious belief or religious status.

(xii) No person attending any school receiving state aid or other public money shall be compelled to attend the religious instruction that may be given in the school.

(xiii) No person shall by reason of his religion, caste or creed be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.

(xiv) All citizens have an equal right of access to, and use of, public roads, public wells and all other places of public resort.

(xv) Freedom of combination and association for the maintenance and improvement of labour and economic conditions is guaranteed to everyone and of all occupations. All agreements and measures tending to restrict or obstruct such freedom are illegal.

(xvi) No breach of contract of service or abetment thereof shall be made a criminal offence.

(xvii) Parliament shall make suitable laws for the maintenance of health and fitness for work of all citizens, securing of a living wage for every worker, the protection of motherhood, welfare of children, and the economic consequences of old age, infirmity and unemployment.\*

(xviii) Every citizen shall have the right to keep and bear arms in accordance with regulations made in that behalf.

(xix) Men and women shall have equal rights as citizens.

*Note* :—Notwithstanding anything to the contrary in article (iv) the Sikhs are entitled to carry kripans,

#### Parliament.

5. The legislative power of the Commonwealth shall be vested in a Parliament which shall consist of the King, a Senate and a House of Representatives herein called the Parliament.

6. The Governor-General shall be appointed by the King and shall have, and may exercise in the Commonwealth, during the King's pleasure, but subject to this constitution, such powers and functions of the King as His Majesty may assign to him.

7. (a) There shall be payable to the King out of the revenues of India for the salary of the Governor-General an annual sum.....which, until the Parliament of the Commonwealth otherwise provides, shall be as in the schedule hereof provided.

(b) The salary of a Governor-General shall not be altered during his continuance in office.

8. The Senate shall consist of 200 members to be elected by the Provincial

\* The Conference has added a sentence here giving fixity of tenure to agricultural tenants. See resolution 11 of the Conference,

Councils, a specific number of seats being allotted to each province on the basis of population, subject to a minimum. The election shall be held by the method of proportional representation with the single transferable vote. (The Hare system).

9. The House of Representatives shall consist of 500 members to be elected by constituencies determined by law. Every person of either sex who has attained the age of 21, and is not disqualified by law, shall be entitled to vote.

Provided that Parliament shall have the power to increase the number of members from time to time if necessary.

10. (1) Every House of Representatives shall continue for five years from its first meeting and every Senate shall continue for seven years.

Provided that—

(a) either chamber of the legislature may be sooner dissolved by the Governor-General; and

(b) any such period may be extended by the Governor-General if in special circumstances he so thinks fit; and

(c) after the dissolution of either chamber the Governor-General shall appoint a date not more than six months after the date of dissolution for the next session of that chamber.

(2) The Governor General may appoint such times and places for holding the sessions of either chamber of the Indian Legislature as he thinks fit, and may also from time to time, by notification or otherwise, prorogue such sessions.

(3) Any meeting of either chamber of the Indian Legislature may be adjourned by the person presiding.

(4) All questions in either chamber shall be determined by a majority of votes of members present, other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

(5) The powers of either chamber of the Indian Legislature may be exercised notwithstanding any vacancy in the chamber.

11. There shall be a president of each House of Parliament who shall be a member of the House and shall be elected by the House. There shall also be a deputy president of each House who shall also be a member of the House and be similarly elected.

12. The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Representatives and by the members thereof respectively shall be such as are from time to time defined by Act of Parliament of the Commonwealth.

13. Parliament shall, subject to the provisions of this Constitution, have power to make laws

(a) for the peace, order and good government of the Commonwealth in relation to all matters not coming in the classes of subjects by this Act assigned to the legislatures of provinces;

(b) for the nationals and servants of the Commonwealth within other parts of India as well as those without and beyond India;

(c) for the Government officers, soldiers, airmen and followers in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act or the Air Force Act; and

(d) for all persons employed or serving in or belonging to the Royal Indian Marine Service or the Indian Navy.

For greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that notwithstanding anything in this Act the legislative authority of the Parliament of the Commonwealth extends to all matters coming within the classes of subjects hereinafter enumerated and specified in Schedule I, attached hereto.

14. The powers of Parliament with respect to foreign affairs, not including the Indian States, shall be the same as exercised by the self-governing dominions.

15. Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the Chambers of the Indian Legislature, and as to the persons to preside at the meetings of the House of Representatives in the absence of the president and the deputy president; and the rules

may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules.

16. (i) Any bill which appropriates revenue or monies for the ordinary annual services of the Commonwealth Government shall deal only with such appropriations.

(ii) Bills imposing taxation shall deal only with the imposition of taxes, and any provision therein dealing with any other matter shall be of no effect.

(iii) Bills affecting the public debt or for the appropriation of revenues or monies or for imposing taxation shall be introduced only by a member of the Executive Council and can only originate in the House of Representatives.

17. A money bill means a bill which contains only provisions dealing with all or any of the following subjects, namely the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public revenues or monies, or the variation or repeal of any such charges; the supply, appropriation, receipt, custody, issue or audit of accounts of public money; the raising of any loan or the repayment thereof; or subordinate matters incidental to those subjects or any of them. In this definition the expression "taxation," "public money" and "loan" respectively do not include any taxation, money or loan raised by local authorities or bodies for local purposes.

18. The question whether a bill is or is not a money bill will be decided by the president of the House of Representatives.

19. A money bill passed by the House of Representatives shall be sent to the Senate for its recommendations and it shall be returned not later than..... days therefrom to the House of Representatives, which may pass it, accepting or rejecting all or any of the recommendations of the Senate; and the bill so passed shall be deemed to have been passed by both chambers.

20. (i) Subject to the provisions of this Act, a bill may be initiated in either House of Parliament and, if passed by the originating House, shall be introduced in the other House for being passed.

(ii) Except as otherwise provided under this Act, a bill shall not be deemed to have been passed by Parliament unless it has been agreed to by both Houses, either without amendments or with such amendments only as may be agreed to by both Houses.

(iii) If any bill which has been passed by the House of Representatives is not, within six months after the passage of the bill by that House, passed by the Senate, either without amendments or with such amendments as may be agreed to by both Houses, the Governor-General shall, on resolution passed by either House to that effect, refer the matter for decision to a joint sitting of both Houses. The members present at any such joint sitting may deliberate and shall vote together upon the bill as last proposed by the House of Representatives and upon amendments, if any, which have been made therein by one House of Parliament and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the Senate and the House of Representatives present at such sitting, shall be taken to have been duly passed by both Houses of Parliament.

21. (i) So soon as any bill shall have been passed, or deemed to have been passed by both Houses, it shall be presented to the Governor-General for the signification by him, in the King's name, of the King's assent, and the Governor-General may signify such assent or withhold the same or he may reserve the bill for the signification of the King's pleasure.

(ii) A bill passed by both House of Parliament shall not become an Act until the Governor-General signifies his assent thereto in the King's name, or in the case of a bill reserved for the signification of the King's pleasure, until he signifies by speech or message to each House of Parliament, or by proclamation that it has received the assent of the King in Council.

Provided that the Governor-General may, where a bill has been passed by both Houses of Parliament and presented to him for the signification by him of the King's assent, or has been reserved by him for the signification of the King's

pleasure, return the bill for reconsideration by Parliament with a recommendation that Parliament shall consider amendments thereto.

(iii) Any bill so returned shall be further considered by Parliament together with the amendments, recommended by the Governor-General, and if re-affirmed with or without amendments, may be again presented to the Governor-General for the signification in the King's name of the King's assent.

#### The Commonwealth Executive.

22. The executive power of the Commonwealth is vested in the King and is exercisable by the Governor-General as the King's representative, acting on the advice of the Executive Council, subject to the provisions of this Act and of the laws of the Commonwealth.

23. (a) There shall be an Executive Council consisting of the Prime Minister and, until Parliament otherwise provides, not more than six minister of the Commonwealth.

(b) The Prime Minister shall be appointed by the Governor-General and the ministers shall also be appointed by him on the advice of the Prime Minister.

(c) The Executive Council shall be collectively responsible to the legislature for all matters concerning the departments of the Commonwealth administered by members of the Executive Council.

24. Until Parliament otherwise provides, the appointment and removal of all other officers of the executive government of the Commonwealth shall be vested in the Governor-General in Council, unless the appointment is delegated by the Governor-General in Council, or by a law of the Commonwealth, to some other authority.

25. The Commander-in-chief of the military, naval and air forces of the Commonwealth is vested in the Governor-General as the King's representative.

#### High Commissioner and Foreign Representatives.

26. The Commonwealth shall have the power to appoint High Commissioners and other foreign representatives similar to that exercised by Canada and other dominions. Such appointments shall be made by the Governor-General in Council who shall also make provision by rules for their pay, powers and duties, and the conditions of employment.

#### Financial Control.

27. (1) The Auditor General in India shall be appointed by the Governor-General in Council who shall by rules make provision for his pay, powers and duties, and the conditions of employment, and for the discharge of his duties in the case of a temporary vacancy of absence from duty.

(2) Subject to any rules made by the Governor-General in Council, no office may be added to or withdrawn from the public service and the emoluments of no posts may be varied except after consultation with such finance authority as may be designated in the rules, being an authority of the province or of the Commonwealth according as it is or is not under the Control of a local government.

#### The Provincial Legislature.

28. The legislative power of a province shall be vested in the King and the local Legislative Council.

29. There shall be a Governor of every province who shall be appointed by the King and represent His Majesty in the province.

30. There shall be payable to the King out of the revenues of the province for the salary of the Governor an annual sum of.....which, until Parliament of the Commonwealth otherwise provides, shall be as in schedule.....hereof provided.

31. (i) There shall be one member of the Provincial Legislative Council for every 100,000 of the population of the said province, provided that in provinces with a population of less than ten millions there may be a maximum of 100 members.

(ii) Every member shall be elected by a constituency determined by law.

## THE ALL-PARTIES CONFERENCE

Every person of either sex who has attained the age of 21 and is not disqualified by law shall be entitled to vote.

32. (i) Every Provincial Council shall continue for 5 years from its first sitting provided that—

(a) it may be sooner dissolved by the Governor ;

(b) the term of 5 years may be extended by the Governor if in special circumstances he so thinks fit ;

(c) after the dissolution of the Council the Governor shall appoint a date not more than 6 months after the date of the dissolution, for the next session of the Council.

(ii) The governor may appoint such times and places for holding the sessions of the Council as he thinks fit and may also from time to time, by notification or otherwise, prorogue such sessions.

(iii) Any meeting of the Council may be adjourned by the person presiding.

(iv) All questions in the Council shall be determined by the majority of votes of the members present, other than the presiding member, who shall however have and exercise a casting vote in the case of an equality of votes.

(v) The powers of the Council may be exercised notwithstanding any vacancy.

33. There shall be a president of every Council who shall be a member of the House and shall be elected by the House. There shall also be a Deputy President who shall also be a member of the House and be similarly elected.

34. The local legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good government of the territories for the time being constituting that province. The legislative authority of every provincial council extends to all matters coming within the classes of subjects hereinafter enumerated and specified in Schedule II, attached hereto.

35. The local legislature of any province may repeal or later, as to that province, any law relating to a provincial subject made either before or after the commencement of this Act by any authority in British India.

36. Any measure affecting the public revenues of a province, or imposing any charge on the revenue, shall be introduced only by a member of the executive council of the Governor.

37. When a bill has been passed by a local Legislative Council, the Governor may declare that he assents to or withholds his assent from the bill.

38. If the Governor withholds his assent from any such bill, the bill shall not become an Act.

39. If the Governor assents to any such bill, he shall forthwith send an authentic copy of the Act to the Governor-General, and the Act shall not have validity until the Governor-General has assented thereto and that assent has been signified by the Governor-General to, and published by the Governor.

40. Where the Governor-General withholds his assent from any such Act, he shall signify to the Governor in writing his reason for so withholding his assent.

41. When an Act has been assented to by the Governor-General it shall be lawful for His Majesty in Council to signify his disallowance of the Act.

42. Where the disallowance of an Act has been so signified, the Governor shall forthwith notify the disallowance, and thereupon the Act, as from the date of the notification, shall become void accordingly.

### The Provincial Executive.

43. The executive power of the province shall be vested in the Governor acting on the advice of the provincial Executive Council.

44. There shall be an Executive Council for every province consisting of not more than five ministers appointed by the Governor.

45. In appointing the Executive Council the Governor shall select the Chief Minister and appoint others only on his advice.

### The Judiciary.

46. There shall be a Supreme Court which shall exercise such jurisdiction as Parliament shall determine. The Supreme Court shall consist of a Lord President, and as many other justices, as Parliament may fix.

47. The Lord President of the Commonwealth and all other Judges of the Supreme Court of the Commonwealth to be appointed after the establishment of the Commonwealth shall be appointed by the Governor-General-in-Council, and shall receive such remuneration as Parliament shall prescribe, and their remuneration shall not be diminished during their continuance in office.

48. The Lord President of the Commonwealth and other judges of the Supreme Court of the Commonwealth shall not be removed from office except by the Governor-General-in-Council on an address from both Houses of Parliament in the same session praying for such removal on the ground of misbehaviour or incapacity.

49. The Supreme Court shall have original jurisdiction in all matters—

(i) referred to the Supreme Court by the Governor-General-in-Council under section 85;

(ii) in which the Commonwealth, or person suing or being sued on behalf of the Commonwealth, is a party;

(iii) affecting consuls or other representatives of other countries;

(iv) between provinces;

(v) arising under this Constitution or involving its interpretation.

50. The Supreme Court shall have jurisdiction, with such exceptions and subject to such regulations as Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences—

(a) of any Justice or Justices exercising the original jurisdiction of the Supreme Court;

(b) of the High Court of any province, or of any other court of any province from which at the establishment of the Commonwealth an appeal lies to the King in Council.

51. The judgment of the Supreme Court in all such cases shall be final and conclusive and shall not be reviewed, or be capable of being reviewed by any other court, tribunal or authority whatsoever.

#### Appeals to the King in Council.

52. (i) No appeal shall be permitted to the King in Council from a decision of the Supreme Court upon any question howsoever arising, as to the limits "inter se" of the constitutional powers of the Commonwealth and those of any province or provinces, or as to the limits "inter se" of the constitutional powers of any two or more provinces, unless the Supreme Court shall certify that the question is one which ought to be determined by the King in Council.

(ii) The Supreme Court may so certify if satisfied that for any special reason the certificates should be granted, and thereafter an appeal shall lie to the King in Council on the question without further leave.

(iii) Parliament may make laws limiting the matters in which such leave may be asked, provided that such laws do not impair any right which the King may be pleased to exercise by virtue of his royal prerogative to grant special leave of appeal from the Supreme Court to the King in Council.

#### High Courts—Constitution.

53. The high courts referred to in this Act are the high courts of judicature for the time being established in British India.

54. Each high court shall consist of a chief justice and as many other judges as the Governor-General-in-Council may think fit to appoint. Provided as follows:

(i) The Governor-General-in-Council may appoint persons to act as additional judges of any high court, for such period, not exceeding two years, as may be required; and the judges so appointed shall, whilst so acting, have all the powers of a judge of the high court appointed by the Governor-General-in-Council;

(ii) the maximum number of judges of a high court including the chief justice and additional judges shall be 20.

55. A judge of a high court must be an advocate on the rolls of a high court of not less than ten years' standing, provided that nothing herein contained shall affect the continuance of the tenure of office of the judges who may be holding appointments at the commencement of this Act.

56. (i) Every judge of a high court shall hold office during his good behaviour.

(ii) Any such judge may resign his office to the local government.

57. The chief justice and other judges of the high court shall not be removed from office except by the Governor-General-in-Council on an address by the provincial legislature.

58. (i) The Governor-General-in-Council may fix the salaries, allowances, furloughs and retiring pensions, and may alter them, but any such alteration shall not affect the salary of any judge appointed before the date thereof.

(ii) The remuneration fixed for a judge under this section shall commence upon his taking upon himself the execution of his office.

59. (i) On the occurrence of a vacancy in the office of chief justice of a high court, and during any absence of such a chief justice, the local government shall appoint one of the other judges of the same high court to perform the duties of chief justice of the court, until some person has been appointed by the Governor-General to the office of chief justice of the court, and has entered on the discharge of his duties of that office, or until the chief justice has returned from his absence, as the case requires.

(ii) On the occurrence of a vacancy in the office of any other judge of a high court, and during any absence of any such judge, or on the appointment of any such judge to act as chief justice, the local government may appoint a person with such qualifications as are required in persons to be appointed to the high court; and the person so appointed may sit and perform the duties of a judge of the court, until some person has been appointed by the Governor-General-in-Council to the office of judge of the court, and has entered on the discharge of the duties of the office, or until the absent judge has returned from his absence, or until the local government sees cause to cancel the appointment of the acting judge.

#### Jurisdiction.

60. (i) The several high courts are courts of record and have such jurisdiction, original and appellate, including admiralty jurisdiction in respect of offences committed on the high seas, and all such powers and authority over or in relation to the administration of justice, including power to appoint clerks and other ministerial officers of the court, and power to make rules for regulating the practice of the court, as are vested in them by letters patent, and subject to the provisions of any such letters patent, all such jurisdiction, powers and authority as are vested in those courts respectively at the commencement of this Act.

(ii) The letters patent establishing, or vesting jurisdiction, power, or authority, in a high court may be amended from time to time by a further letters patent.

61. Each of the high courts has superintendence over all courts for the time being subject to its appellate jurisdiction, and may do any of the following things, that is to say—

(a) call for returns;

(b) direct the transfer of any suit or appeal from any such court to any other court of equal or superior jurisdiction;

(c) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts;

(d) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts; and

(e) settle tables of fees to be allowed to the sheriff, attorneys, and all clerks and officers of courts;

Provided that such rules, forms and tables shall not be inconsistent with the provisions of any law for the time being in force, and shall require the previous approval of the local government.

62. (i) Each high court may, by its own rules, provide as it thinks fit for the exercise, by one or more judges of the high court, of the original and appellate jurisdiction vested in the court.

(ii) The chief justice of each high court shall determine what judge in each case is to sit alone, and what judges of the court, whether with or without the chief judge, are to constitute the several division courts.

63. The Governor-General-in-Council may, by order, transfer any territory or place from the jurisdiction of one to the jurisdiction of any other of the high

courts, and authorise any high court to exercise all or any portion of its jurisdiction in any part of British India not included within the limits for which the high court was established, and also to exercise any such jurisdiction in respect of any British subject for the time being within any part of India outside the Commonwealth.

64. (a) The Governor-General, each Governor, each of the members of the Executive Council, whether in the Commonwealth or in the provinces, shall not be subject to the original, appellate or revisional jurisdiction of any high court, by reason of anything counselled, ordered or done by any of them, in his public capacity only.

(b) The exemption shall extend also to the chief justices and other judges of the several high courts.

65. The Governor-General-in-Council may, if he sees fit, by letters patent, establish a high court of judicature in any territory in the Commonwealth, whether or not included within the limits of the local jurisdiction of another high court, and confer on any high court so established, any such jurisdiction, powers and authority as are vested in, or may be conferred on, any high court existing at the commencement of this Act; and, where a high court is so established in any area included within the limits of the local jurisdiction of another high court, the Governor-General may, by letters patent, alter those limits, and make such incidental, consequential and supplemental provisions as may appear to be necessary by reason of the alteration.

#### Advocate General.

66. The local Government may appoint an advocate general for each of the provinces and may on the occurrence of a vacancy in the office of advocate general, or during any absence or deputation of an advocate general, appoint a person to act as advocate general; and the person so appointed may exercise the powers of an advocate general until some person has been appointed by the Governor-General-in-Council and has entered on the discharge of his duties or until the advocate general has returned from his absence or deputation, as the case may be, or until the local Government cancels the local appointment.

#### Property, Revenue and Finance.

67. All property vested in, or arising or accruing from property or rights vested in, His Majesty or the Secretary of State in Council under the Government of India Acts, 1858, 1815 and 1919 shall vest in the Governor-General-in-Council.

68. The revenue of India shall vest in the Governor-General-in-Council and shall, subject to the provisions of this Act, be applied for the purpose of the Commonwealth alone.

69. The expression "the revenues of India" in this Act shall include all the territorial and other revenues of or arising in British India, and in particular,—

(i) all tributes and other payments in respect of any territories which would have been receivable by or in the name of the East India Company if the Government of India Act, 1858, had not been passed; and

(ii) all fines and penalties incurred by the sentence or order of any court of justice in British India, and all forfeitures for crimes of any movable or immovable property in British India; and

(iii) all movable or immovable property in British India escheating or lapsing for want of an heir or successor and all property in British India devolving as "bona vacantia" for want of a rightful owner.

70. Parliament shall establish a Railway and Harbour Fund into which shall be paid all revenues raised or received by the Governor-General-in-Council from the administration of railways, posts and harbours, and such fund shall be appropriated by Parliament to the purposes of railways, posts and harbours, on such conditions and in such manner as it may prescribe. There shall also be formed a consolidated revenue fund into which shall be paid all other revenues raised or received by the Governor-General-in-Council and such fund shall be appropriated by Parliament for the purpose of the Commonwealth in the manner



prescribed by this Act or by rules made in that behalf and subject to the charges imposed thereby.

71. There shall be charged on the revenues of India alone—

(a) all the debts of the East India Company; and  
(b) all sums of money, costs, charges and expenses which, if the Government of India Act, 1858, the Government of India Act, 1915, as amended by the Government of India Act 1919 or this Act had not been passed, would have been paid by the East India Company out of the revenues of India in respect of any treaties, covenants, contracts, grants or liabilities existing at the commencement of this Act; and

(c) all expenses, debts and liabilities lawfully contracted and incurred on account of the Government of India; and

(d) all other charges and payments under this Act (except so far as is otherwise provided under this Act).

72. (i) As soon as may be after the establishment of the Commonwealth the Governor-General-in-Council shall appoint a Commission consisting of one representative from each province and.....representatives of the government of the Commonwealth, and presided over by an officer of the Commonwealth, to institute an enquiry into (a) the sources of revenue which may be assigned to the government of the Commonwealth and to the governments of the provinces respectively with due regard to the efficient administration and development of the services or subjects under the respective control of either, and (b) the financial relations which should exist between the governments of the Commonwealth and the governments of the provinces, and (c) the means to be adopted for giving effect to such relations.

(ii) The said Commission shall appoint a committee to examine the whole question of the training of officers for the land, naval and air forces of the Commonwealth and the establishment of the requisite number of schools and colleges for military instruction.

(iii) The committee so appointed shall report to the Commission about the requisite number of such schools and colleges and their staffs, the places where they are to be established, and the standard of instruction to be imparted in each, and an estimate of the initial and maintenance cost of the said schools and colleges.

(iv) The said Commission shall also appoint a committee to investigate and report on the steps to be taken for the introduction of general primary education in the Commonwealth and the affording of special educational facilities for backward classes.

(v) The said Commission shall have the power to appoint such other committees as it may consider necessary, for the purposes of its inquiry.

(vi) The said Commission shall report to the Governor-General-in-Council on matters recommended in clause (i), and shall make special recommendations fixing minimum charges on the revenues of the Commonwealth and the provinces for the purposes mentioned in (ii), (iii) and (iv).

73. The Governor-General-in-Council shall lay the entire report of the Commission together with his recommendations before Parliament for such legislative or other action as it may deem fit.

74. Pending the completion of the said enquiry, and until Parliament has taken action under clause 68, the existing sources of revenue and the financial relations shall continue to be in force.

#### Defence.

75. (a) The Governor-General-in-Council shall appoint a Committee of Defence consisting of (1) the Prime Minister, (2) the Minister of Defence, (3) the Minister of Foreign Affairs, (4) the Commander-in-Chief, (5) Commander of the Air Forces, (6) Commander of the Naval Forces, (7) the Chief of the General Staff, and two other experts.

(b) The Prime Minister shall be the chairman of the committee; and there shall be a permanent staff including a secretary attached to this committee.

(c) The functions of this committee shall be to advise the government and

the various departments concerned with questions of defence and upon general questions of policy.

(d) As soon as the committee is appointed the Governor-General-in-Council may take the advice of the Committee of Defence as to the practicability and means of effecting a retrenchment in the expenditure on defence compatibly with the safety of India. The estimates shall be framed according to the recommendations of the committee.

76. The proposals of the Governor-General-in-Council for the appropriation of revenues or monies classified as "Defence", shall be submitted to the vote of the House of Representatives.

77. Notwithstanding anything to the contrary in the foregoing provisions, the Governor-General-in-Council may, in the event of any foreign aggression on India by land, air or sea, or upon his being satisfied that there is a reasonable apprehension of such aggression, authorise such expenditure as may be necessary for the safety of British India or any part thereof. Such action taken by the Governor-General shall be reported by him immediately to the Legislature, if in session, or if the Legislature is not in session, to a special session to be summoned as soon as possible thereafter.

78. No measure affecting the discipline or maintenance of any part of the military, naval and air forces of the Commonwealth shall be introduced in Parliament except on the recommendation of the Committee of Defence appointed under this constitution.

#### The Civil Services.

79. Subject to the provisions of the next succeeding section, all officers of the public services, shall, at the establishment of the Commonwealth, become officers of the Commonwealth.

80. As soon as possible after the establishment of the Commonwealth, the Governor-General-in-Council shall appoint a Public Service Commission to make recommendations for such reorganisation and readjustment of the departments of the public services as may be necessary.

81. Parliament may make laws for regulating the classification of the civil services in India, the sources and methods of their recruitment, the conditions of service, pay and allowances, and discipline and conduct. Parliament may also, to such extent and in respect of such matters as it may prescribe, delegate the power of making rules under the said laws to the Governor-General-in-Council or to local governments.

82. (i) After the establishment of the Commonwealth the Governor-General-in-Council shall appoint a permanent Public Service Commission with such powers and duties relating to the recruitment, appointment, discipline, retirement and superannuation of public officers as Parliament shall determine.

(ii) Members of the permanent Public Service Commission shall hold office for five years from the date of appointment.

83. Any officer of the public services who desires to retire within three years of the establishment of the Commonwealth, or is not retained in the service of the Commonwealth, shall be entitled to receive such pension, gratuity or other compensation as he would have received in like circumstances if the Commonwealth had not been established.

#### The Army Services.

84. All officers, British and Indian, serving in the army, the navy, the Royal Indian Marine, or the Air Force of India, serving in India at the commencement of the new constitution, shall retain all their existing rights as to salaries, allowances or pensions or shall receive such compensation for the loss of any of them, as the Governor-General-in-Council may consider just and equitable, or as they would have received in like circumstances if the Commonwealth had not been established.

Further all such officers, British or Indian, who were in receipt of pensions at the date of the commencement of the new constitution, shall continue to receive the same pension from the revenues of India.

## Indian States.

85. The Commonwealth shall exercise the same rights in relation to, and discharge the same obligations towards, the Indian States, arising out of treaties or otherwise, as the Government of India has hitherto exercised and discharged.

In case of any difference between the Commonwealth and any Indian State on any matter arising out of treaties, engagements, sanads or similar other documents, the Governor-General-in-Council may, with the consent of the State concerned, refer the said matter to the Supreme Court for its decision.

## New Provinces.

86. The redistribution of provinces should take place on a linguistic basis on the demand of the majority of the population of the area concerned, subject to financial and administrative considerations.

## Amendment of the Constitution.

87. \*Parliament may, by law, repeal or alter any of the provisions of the constitution. Provided that the bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together and at the third reading shall be agreed to by not less than two-thirds of the total number of the members of both Houses. A bill so passed at such a joint sitting shall be taken to have been duly passed by both Houses of Parliament.

NOTE:—The following are the recommendations on communal and other controversial matters.

## Communal Representation.†

I. There shall be joint mixed electorates throughout India for the House of Representatives and the provincial legislatures.

II. There shall be no reservation of seats for the House of Representatives except for Muslims in provinces where they are in a minority and non-Muslims in the N.-W. F. Province. Such reservation will be in strict proportion to the Muslim population in every province where they are in a minority and in proportion to the non-Muslim population in N.-W. F. Province. The Muslims or non-Muslims where reservation is allowed to them shall have the right to contest additional seats.

III. In the provinces

(a) there shall be no reservation of seats for any community in the Punjab and Bengal;

(b) in provinces other than the Punjab and Bengal there will be reservation of seats for Muslim minorities on population basis with the right to contest additional seats;

(c) in the N.-W. F. Province there shall be similar reservation of seats for non-Muslims with the right to contest other seats.

IV. Reservation of seats where allowed shall be for a fixed period of ten years.

## Redistribution and status of provinces ‡

V. Sind should be separated from Bombay and constituted into a separate province after such enquiry about the financial position as may be considered necessary.

VI. Parts of the Karnataka, except the small islands on the other side of the Mysore territory, should similarly be separated from the provinces in which they are at present included and formed into a single separate province.

\* The Conference has referred this clause back to the Constitution Committee for amendment. See resolution 7 of the Conference.

† Some of these clauses have been altered by the Conference. See resolutions 4 and 6 of the Conference.

‡ The Conference passed a comprehensive resolution on the redistribution of provinces. The Sind agreement deals with the separation of Sind. In clause VII Baluchistan has been added after N.-W. F. Province. See resolutions 4, 5 and 12 of the Conference.

VII. The N.-W. F. Province, and all newly formed provinces by separation from other provinces, shall have the same form of Government as the other provinces in India.

MOTILAL NEHRU  
S. ALI IMAM  
TEJ BAHADUR SAPRU  
M. S. ANEY

MANGAL SINGH  
SHUAIB QURESHI\*  
SUBHAS CHANDRA BOSE  
G. R. PRADHAN

\* Mr. Shuaib Qureshi was unfortunately unable to be present at the last meeting of the Committee when the draft report was considered. The draft however was sent to him and he has informed us that in regard to the recommendations contained in chapter III he is of opinion that one-third seats in the central legislature should be reserved for Muslims. Further, he says: "I agree with the resolution adopted at the Informal Conference of July 7th but do not subscribe to all the figures and arguments produced in its support".

Sir Ali Imam, Mr. Subhas Chandra Bose and Mr. G. R. Pradhan were also unable to be present at the final meeting of the Committee but they signified their concurrence with the report after reading the draft.

### SCHEDULE I. — CENTRAL SUBJECTS.

1. Trade and commerce with other countries and in India and the incorporation of trading, financial or foreign corporations in India.
2. Taxation, excluding the taxation assigned under this constitution to the provinces or parts of them; but including customs, revenue, excise, income-tax, super-tax, corporation profits tax, opium, including control of its cultivation, manufacture and sale, export duties.
3. Bounties on the production of export of goods.
5. Borrowing money on the credit, the assets and the property of the Commonwealth; the public debt of the Government of the Commonwealth.
5. Currency, coinage and legal tender.
6. Banking and insurance and savings banks; the incorporation of banks and the issue of paper money and stock exchanges.
7. Bills of exchange, cheques, hundies and promissory notes.
8. Shipping and navigation, including shipping and navigation on such inland waterways as may be declared to be of national importance; harbours, major ports, light-houses, beacons, lightships, buoys.
9. Railways, and roads of all India and military importance.
10. Aircraft and all matters connected therewith.
11. Posts, telegraphs and telephones, including wireless communications and installations.
12. The defence of India and all matters connected with the naval, military and air forces of the Commonwealth, including militia, Indian Marine Service and any other force raised in India other than military and armed police wholly maintained by the provincial Government; naval and military works and cantonments; schools and colleges for military, naval and air training.
13. Foreign and external relations including relations with States in India and political charges; domicile, naturalization and aliens; passports; and pilgrimages beyond India.
14. Emigration and immigration.
15. Port quarantine and marine hospitals.
16. The Commonwealth Public Services and the Commonwealth Public Service Commission.
17. The Audit department of the Commonwealth.
18. The Supreme Court of India, and legislation relating to High Courts.
19. Civil Law including laws regarding status, contract, property, civil rights and liabilities and civil procedure.
20. Criminal Law including Criminal Procedure and extradition laws.
21. Bankruptcy and insolvency.
22. Legislation regarding marriage, divorce and matrimonial matters, parental rights, the custody and guardianship of infants; their status and age of majority.

23. Copyright; newspapers and books; patents of inventions and designs and trade marks.
24. Land acquisition by or for the purposes of the Government of the Commonwealth.
25. Laws relating to registration of deeds and documents.
26. Laws relating to registration of births, deaths and marriages.
27. Census and statistics.
28. Control of arms and ammunition.
29. (a) Control of petroleum and explosives.  
(b) Control of poisons.
30. The standards of weights and measures.
31. Fisheries in Indian waters beyond the three miles limit.
32. Survey of India; geological survey and astronomical and meteorological observations.
33. Parliamentary elections.
34. The seat of the Government of the Commonwealth.
35. Inter-provincial matters.
36. Factory legislation.
37. Industrial matters :—  
(a) Welfare of labour.  
(b) Provident fund.  
(c) Industrial Insurance—General health and accident.
38. Control of mines.
39. Medical qualifications and standards.
40. Stores and stationery for the Commonwealth.
41. Central publicity and intelligence department.
42. Zoological survey; botanical survey; archaeology.
43. Central agencies and institutions for research (including observatories) and for professional and technical training or promotion of special studies.
44. Territorial changes, other than intra-provincial, and declaration of laws in connection therewith.
45. All property of the Commonwealth.
46. Legislation regarding forests.
47. Legislation relating to non-judicial stamps.

### SCHEDULE 11.—PROVINCIAL SUBJECTS.

1. Land revenue including assigned land revenue; any other tax that may be imposed on land or agricultural income; charges for water; survey and settlement; disposal and colonisation of public land and management of government estates.
2. Excise, that is to say, the control of manufacture, transport, possession, purchase and sale of alcoholic liquor and intoxicating drugs (except opium), and the levying of excise duties and licence fees on, or in relation to, such articles and other restrictive excises.
3. All local taxation, such as tolls; cesses on land or land values; tax on buildings; tax on vehicles or boats; tax on animals; octroi and a terminal tax on goods imported into or exported from a local area; tax on trades, professions and callings; tax on private markets; tax on advertisements; tax on amusements or entertainments; tax on gambling: taxes imposed in return for services rendered by the local authority.
4. Land acquisition by and within the province.
5. Administration of forests and preservation of game.
6. Agriculture, including research institutes, experimental and demonstration farms, protection against destruction by insects and pests.
7. Fisheries, excluding Commonwealth fisheries.
8. Water supplies, irrigation canals, drainage and embankment, water storage and water power except where they involve a matter of inter-provincial concern or affect the relations of a province with an Indian State or any other territory.
9. Public works and undertakings within the province including buildings, roads, bridges, ferries, tunnels, ropeways, causeways, tramways, light and feeder railways, inland waterways and other means of communication:
  - (a) such railways, roads, ferries, tunnels, ropeways, causeways, tramways, light and feeder railways, inland waterways and other means of communication as are central subjects.
  - (b) all such works as extend beyond the borders of the province.
  - (c) such works (although wholly situated within the province) as may be declared by Parliament to be of all India importance.

10. Co-operative societies.
11. Development of mineral resources.
12. Famine relief.
13. Pilgrimages within India.
14. Local self-Government including constitution and powers of Municipal Corporations, Local Boards, Village Panchayats Improvement Trust, Town Planning Boards and other local authorities in the province.
15. Medical administration including hospitals, dispensaries, asylums, and provision for medical education.
16. Public health and sanitation and vital statistics.
17. Education, including universities and technical institutes, provincial institutions for professional or technical training and for promotion of technical studies.
18. Court of Wards and encumbered and attached estates.
19. Land improvement and agricultural loans.
20. Land tenures and landlord and tenant, rent law.
21. Administrator-General and Official Trustees subject to legislation by central legislature.
22. Development of industries, including industrial research.
23. Police, including military and armed police maintained by the province and Railway Police, subject in the case of Railway Police to such rules as may be prescribed by Parliament as to limits of jurisdiction and railway contribution to cost of maintenance.
24. Adulteration of foodstuffs and other articles.
25. (a) Control of vehicles, subject in the case of motor vehicles to legislation by the central legislature as regards licences valid throughout India.  
(b) Control of dramatic performances and cinematographs.
26. Prisons, prisoners and reformatories and vagrancy.
27. Backward tribes and their settlements.
28. Treasure trove.
29. Administration of justice in the province including the constitution, maintenance and organisation of courts of civil and criminal jurisdiction.
30. Election for the legislature of the province.
31. Legislation imposing punishments by fine, penalty or imprisonment for breach of any law of the province in relation to any provincial matter.
32. The borrowing of money on the sole credit of the province, subject to sanction of Central Government; assets and property of the province.
33. Administration of the law relating to the registration of births, deaths and marriages.
34. Provincial law reports.
35. Minor ports.
36. Public libraries, except the Imperial Library at Calcutta; museums, except the Indian Museum, the Imperial War Museum and the Victoria Memorial in Calcutta; Zoological and botanical gardens and registration of societies.
37. Pounds and prevention of cattle trespass.
38. Civil Veterinary Department, including provisions for veterinary training, improvement of stock and prevention of animal diseases.
39. Factories, subject to legislation by central legislature.
40. Settlement of labour disputes.
41. Gas and electricity.
42. Boilers.
43. Smoke nuisances.
44. Housing of labour.
45. Coroners.
46. Provincial stores and stationery.
47. Provincial Government press.
48. Provincial services and Provincial Services Commission.
49. The seat of the Provincial Government.
50. Control of elections, subject to regulation by Central Government.
51. Fees, including court fees; probate duties; succession or estate duties.
52. Control of production, supply and distribution, subject to rules made by the central legislature.
53. Development of industries, subject to rules made by the central legislature.
54. Religious and charitable endowments, subject to legislation by central legislature.
55. Regulation of betting and gambling, subject to legislation by the central legislature.

56. Prevention of cruelty to animals and protection of wild birds and animals, subject to legislation by the central legislature.
  57. Non-judicial stamps, subjects to legislation by the central legislature; and judicial stamps, subject to legislation by the central legislature as regards amount of court-fees levied in relation to suits and proceedings in the high courts under their original jurisdiction.
  58. Registration of deeds and documents, subject to legislation by the central legislature.
  59. Weights and measures, subject to legislation by the central legislature as regards standards.
  60. Control of poisons; arms and ammunition; petroleum and explosives, subject to legislation by the central legislature.
  61. Control of newspapers, subject to legislation by the central legislature.
  62. Regulation of medical and other professional qualifications and standards, subject to legislation by the central legislature.
  63. Local Fund Audit.
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#### PROCEEDINGS OF THE FOURTH SESSION OF

## The All-Parties Conference.

LUCKNOW—28TH TO 31ST AUGUST, 1928.

The fourth sessions of the All-Parties Conference were held in the Kaiserbagh Baradari in Lucknow from August 28th to 31st, 1928. Among the organisations represented, apart from the Congress Working Committee, were:—

All-India Liberal Federation; All-India Muslim League; Hindu Maha Sabha; Central Khilafat Committee; Central Sikh League; Home Rule League; All-India Conference of Indian Christians; Jamiat-ul Ulema; All-India States Peoples Conference; Congress Party in the Assembly; Nationalist Party in the Assembly; British Indian Association of Oudh; Indian Association of Calcutta; Maharashtra Chamber of Commerce; Sind National League; Deccan Sabha; Swadhin Bharat Sangh and the Provincial Congress Committees of Ajmer, Andhra, Behar, Bengal, Burma, Central Provinces (Hindustani), Central Provinces (Marathi) Delhi, Gujrat, Karnatak, Kerala, Punjab, Sind, United Provinces and Utkal.

A number of messages were received from delegates who were unable to be present expressing their regret at their inability to attend and sending their good wishes to the Conference. A very large number of telegrams and letters were also received from all parts of the country wishing success to the Conference.

The proceedings began soon after midday on the 28th August with the president of the Conference, Dr. M. A. Ansari, in the chair.

The Maharaja of Mahmudabad welcomed the delegates. He reminded them of the Lucknow pact of 1916 and trusted that the same spirit would prevail in the deliberations of the Conference. He hoped that all parties would give unqualified support to the Nehru Committee's report.

The president then addressed the House. He congratulated the Nehru Committee and testified to the noble and single-minded devotion with which the chairman and members of that committee had applied themselves to this epoch-making work. Emphasising the tremendous implications attaching to the report, he said :—

“India has gone through many and varied phases of the struggle for liberty, but never in the chequered history of this country's fight for freedom had representatives of all schools of political thought assembled together to draw up a definite scheme of our constitution. That has now been done by the committee. It is in itself a historic event, and when we see the background of the dark events of the last few years, resulting in spasmodic and ineffective attempts to introduce some light into the darkness of wilderness, of confused aims and objects in which we had lost ourselves, and of complacent challenges that were being thrown at us both from within the country and beyond the seven seas, I need hardly tell you that this report becomes a doubly historic event. Members of this Conference, the consequences of what we do to-day will not die tomorrow or the day after. They will endure. It is in our hands to make or mar our future. Let there be no mistake about the consequences that will arise out of our actions to-day.”

Proceeding, the president said that the Nehru scheme was the last hope of 300 millions of human beings suffering intolerably under the double misery of foreign domination and internal dissensions, but he did not claim infallibility for it.

He concluded with this appeal :—“If the representatives assembled here to-day have got the key to India's happiness, they have also got the key to her continued misery that will become doubly acute now. The terrible responsibility lies on you of choosing between the two, which will decide India's destiny. I earnestly hope you will choose well.”

The president then called upon Pandit Motilal Nehru to submit the Committee's report and Mr. Nehru formally placed the report before the Conference.

Lala Lajpat Rai then moved the following resolution :—

1. “This Conference places on record its grateful appreciation of the work done by Pandit Motilal Nehru, the chairman, and his colleagues, Sir Ali Imam, Sir Tej Bahadur Sapru, Mr. Aney, Sardar Mangal Singh, Mr. Shauib Qureshi, Mr. Subhas Bose

and Mr. G. Pradhan, members of the Committee appointed by this Conference to determine the principles of a constitution for India.”

This was seconded by Maulana Abul Kalam Azad. Speeches in favour of the resolution were delivered by Pandit Madan Mohan Malaviya, Maulana Shaukat Ali, Dr. Annie Besant, Mr. J. M. Sen Gupta, Moulvi Mohammad Yakub, Mrs. Sarojini Naidu, Mr. C. Vijayaraghavachariar, Gyani Sher Singh, Raja Sir Rampal Singh, Maulana Ahmad Said, Mr. C. Y. Chintamani, Mr. M. Chagla, Cheudhri Beharilal and Mr. Tufail Ahmad.

One member of the Conference, Mr. Hasrat Mohani however opposed the resolution. The resolution was passed with only one dissident.

Pandit Motilal Nehru and Sir Ali Imam thanked the Conference on behalf of the Committee.

The **SECOND RESOLUTION** was proposed by Pandit Madan Mohan Malaviya. It was as follows :—

2. Without restricting the liberty of action of those political parties whose goal is complete independence this Conference declares :—

Dominion Status,



(1) that the form of Government to be established in India should be responsible, that is to say, a Government in which the executive should be responsible to a popularly elected legislature possessing full and plenary powers;

(2) that such form of Government shall in no event be lower than that of any self-governing dominion.

Sir C. P. Ramaswamy Iyer seconded the resolution and Sir Tej Bahadur Sapru supported it. The discussion on this resolution was not concluded when the Conference was adjourned to the next day.

### SECOND DAY—29TH AUGUST 1928.

On the 29th August the discussion on Pandit Madan Mohan Malaviya's resolution on Dominion Status was continued.

Pandit Jawaharlal Nehru opposed Dominion Status and said that independence should be the goal. On behalf of those who stood for independence he read the following statement:—

"We, the signatories of this statement, are of opinion that the constitution of India should only be based on full independence. We feel that the resolution that has been placed before the All Parties Conference definitely commits those who support it to a constitution based on what is termed Dominion Status. We are not prepared to accept this, and we, therefore, cannot accept or support this resolution. We recognise that the preamble to the resolution gives us the right to carry on our activity in favour of independence, but this preamble does not in any way lessen the commitment contained in the second part of the resolution.

We have decided, however, not to obstruct or hamper the work of this Conference, but we desire to record our considered opinion on this question and to dissociate ourselves from this particular resolution in so far as it commits us to the acceptance of Dominion Status. We shall not take any part in this resolution by moving amendments or by voting on it. We propose to carry on such activity as we consider proper and necessary in favour of complete independence".

Maulana Kifayatullah, Moulvi Mohammad Shafi, Mr. Subhas Chandra Bose, Pandit Hriday Nath Kunzru, Dr. Kitchlew, Dr. Mohammad Alam, Mr. T. Viswanatham and Sardar Sardul Singh also took part in the discussion.

Mr. Hasrat Mohani moved an amendment to delete the second clause of the resolution. The amendment fell for want of a seconder.

After Pandit Malaviya had replied the original resolution was put to the vote and carried *nem con* with acclamation. The Conference then adjourned till the next day.

### THIRD DAY—30TH AUGUST 1928.

On the 30th August the **THIRD RESOLUTION** of the Conference was moved by Mr. Manilal Kothari. It related to the Indian States and ran as follows:—

Indian States.

3. This Conference approves the recommendations of the Committee in regard to the Indian States.

This was seconded by Mr. Pathik, Sir Tej Bahadur Sapru, Maulana Zafar Ali Khan and Pandit Madan Mohan Malaviya also spoke on the resolution, which was adopted unanimously.

At this stage the president announced that an agreement has been arrived at on the Sind question. This announcement was greeted with great applause.

The president placed this agreement in the form of a resolution from the chair. It ran as follows :—

4. Simultaneously with the establishment of Government in accordance with the Nehru Committee's report Sind shall be separated from Bombay and constituted into a separate province,

Sind,

Provided—

(1) after an enquiry it is found

(a) that Sind is financially self-supporting,

(b) in the event of its being found that it is not financially self-supporting, on the scheme of separation being laid before the people of Sind with its financial and administrative aspects, the majority of the inhabitants favour the scheme and express their readiness to bear the financial responsibility of the new arrangement :—

(2) that the form of Government in Sind shall be the same as in the other provinces under the constitution ;

(3) that the non-Muslim minority in Sind shall be given the same privileges in the matter of representation in the Provincial and Central Legislatures as the Muslim minorities are given under the Nehru Committee's report in areas where they are in a minority.

The resolution was adopted unanimously with acclamation.

The *FIFTH RESOLUTION* of the Conference dealt with the redistribution of provinces and was moved by Pandit Dwarka Prasad Mishra. Moulvi Abdul Majid seconded.

Various amendments had been tabled but eventually an agreed resolution embodying some of the amendments was placed before the Conference. This ran as follows :—

5. This Conference having taken into consideration the recommendations contained in the report about the redistribution and the status of provinces, accords its approval to them, as an integral part of the agreed constitution.

And recommends that the Commission provided for in clause 72 of the draft constitution shall in conformity with the principles of the said recommendations, and with the assistance of such committee or committees as it may consider desirable to appoint,

(a) take all necessary steps to constitute Karnataka and Andhra into separate provinces ;

(b) take steps to amalgamate the Oriya speaking tracts in the different provinces and constitute this amalgamated area into a separate province if the people of that area are able or are prepared to bear the financial burden which is incidental to separation ?

(c) report on the cases of C. P. Hindustani, Keraia and any other linguistic areas which may desire to be constituted into separate provinces ;

(d) resettle the boundaries of Assam and Bengal, Behar and Orissa and C. P. Hindustani, Kerala and Karnataka in accordance with the principles recommended by the Committee.

The president put this from the chair and it was carried unanimously.

Lala Lajpat Rai then moved a resolution adopting in principle the constitution outlined in the Nehru Committee's report. This was seconded by Mr. A. Rangaswami Iyengar and supported by Mr. Bepin Chandra Pal. Mr. Chagla moved an amendment relating to the amendment of the constitution. Mr. Chagla's amendment was subsequently altered and was adopted by the Conference as a substantive resolution on the 31st August. It is given in the proceedings of that day. The Conference then adjourned to the 31st August.

#### FOURTH DAY—31ST, AUGUST 1928.

On the 31st August the discussion on Lala Lajpat Rai's resolution was continued. Mr. Vijayaraghavachariar moved an amendment suggesting that instead of adopting in principle the report, it should be considered clause by clause. This was seconded by Mr. Viswanatham and opposed by Mr. Bepin Chandra Pal.

At this stage further discussion on Lala Lajpat Rai's resolution was adjourned as news was received that the Punjab delegates had come to an agreement on the Punjab question. Lala Lajpat Rai's resolution was taken up in an amended form, at a later stage of the proceedings.

The announcement by the president about the Punjab agreement was received by the Conference with prolonged applause. The agreement was signed by Dr. S. D. Kitchlew, Maulana Zafar Ali Khan, Mr. Mohammad Alam, Mr. Abdul Rahman Ghazi, M. Daud Ghaznavi, Mr. Afzal Haq, Mr. Siraj Din Piracha, Mr. Abdul Qader, Mr. S. Husamud Din, Sardar Sardul Singh Caveeshar, Lala Lajpat Rai, Lala Duni Chand, Pandit Hara Datta Sharma, Dr. Satyapal, and Lala Girdhari Lal.

Master Tara Singh and Gyani Sher Singh added a statement to the agreement.

The president placed this agreement and statement before the Conference for its approval. The following is the text of the agreement and the statement :

6. The Punjab Muslims directly with the introduction of the scheme recommended by the Nehru Committee report accept its recommendations on communal representation including joint electorates without reservation of seats for any community in the Punjab, provided that the franchise is based on adult suffrage.

Provided further that the question of communal representation will be open for reconsideration, if so desired by any community after working the recommended system for ten years in the province,

Statement of Master Tara Singh and Gyani Sher Singh :

"1. We the undersigned Sikhs agree to support the Nehru Committee report provided that the method of election in the Punjab is by proportional representation.

2. We agree that adult suffrage is the most democratic principle but we feel that it is not practicable under the present circumstances, and is premature.

3. If however it is decided to introduce adult suffrage immediately our expression of opinion as stated above may be noted.

We desire however to make it clear that we shall not make it a grievance if adult suffrage is introduced as we recognise that adult suffrage is based on a most democratic principle. We presume that the introduction of adult suffrage does not carry with it the recognition of any principle of communal representation directly or indirectly to which we are strongly opposed."

Maulana Shaukat Ali made a statement that the Central Khilafat Committee had not so far altered its original resolution on the matters dealt with in the Punjab agreement. This resolution supported the Delhi Muslim proposals and the Committee still stood by it. Dr. Mohammad Alam and Mr. Abdul Qader however disagreed with Maulana Shaukat Ali and stated that the Central Khilafat Committee had not authorised him to make the statement he had made. They stated that the Committee had left the Punjab for decision and these delegates having decided and come to an agreement, their decision must be taken to be the decision of the Khilafat Committee.

The Conference then expressed its approval of the Punjab agreement and adopted it with acclamation.

Dr. Annie Besant and Mrs. Sarojini Naidu then addressed the house and congratulated all parties and the country on this happy termination of an old dispute. Dr. Besant said that Indian unity and Indian freedom had triumphed over communalism and sectarianism.

Mr. Akram Khan and Mr. J. M. Sen-Gupta formally accepted on behalf of Bengal Muslims and Hindus the clauses of the report relating to Bengal.

There was some discussion on Mr. Chagla's proposal about the amendment of the constitution. Ultimately the following resolution was unanimously adopted :—

7. This Conference recommends that the Nehru Committee be authorised to consider clause 87 of their recommendations and to amend it so as to safeguard the interests and rights of the various minorities in the Central Legislature with regard to the amendment of the constitution.

The Conference then passed the following resolution unanimously :—

8. That every citizen of an Indian State who ordinarily carries on business or resides in the territories of the Commonwealth shall have the rights of a citizen of the Commonwealth.

Moulvi Shafi Daudi then moved that the language of the Commonwealth of India should be Hindustani written in Hindi or Urdu script.

There was some discussion on this and various amendments were suggested. Ultimately the following resolution was unanimously adopted :—

9. The Committee of the All Parties Conference to consider and report on the following points :—

(i) the protection of the right of the minorities to give instruction to their children in schools through the medium of their own language and in such script as may be in vogue among them ;

(ii) the use of Hindustani as the language of the Commonwealth with the right to use either Hindi or Urdu character as the ordinary scripts, the use of English being permitted ;

(iii) the use in every province of its provincial language as the official language with liberty to use Hindustani or English.

Pandit M. M. Malaviya then proposed that the following article be added to the Declaration of Rights :—

10. All titles to private and personal property, lawfully acquired and enjoyed at the establishment of the Commonwealth, are hereby guaranteed.

This was opposed but after some discussion was passed by a majority.

The Conference also passed by a majority that

11. In the Declaration of Rights Article "ovii" after the word "unemployment" add "and Parliament shall also make laws to ensure fair rent and fixity and permanence of tenure to agricultural tenants."

The Conference passed unanimously that

12. "Baluchistan" be added after "N. W. F. Province" in recommendation VII of the report.

Discussion was then resumed on Lala Lajpat Rai's resolution about the adoption in principle of the Nehru Committee's report. This resolution was added to considerably. Various amendments to it were lost. Ultimately this resolution was passed with one dissentient in the following form :—

13. This Conference having taken into consideration the report submitted to it by the Nehru Committee adopts in principle the constitution outlined and recommended by it in the report.

This Conference resolves to re-appoint the Nehru Committee with power to co-opt and authorises it to select and instruct a Parliamentary draftsman to put the constitution outlined and recommended by it as accepted by this Conference with all necessary ancillary and consequential provisions, in the shape of a bill to be placed before a convention of the representatives of all political, commercial, labour and other organisations in the country present at this Conference and others of not less than two years' standing, provided that nothing will be added or altered which is inconsistent with the agreements and decisions arrived at by this Conference.

The Committee shall take all necessary steps for the holding of the said convention on such date as may be fixed by it.

In drafting the bill the Committee shall take into consideration Schedule I and Schedule II to the Report and the Committee is authorised to make such alterations in the said schedules as it may think necessary.

Master Tara Singh and Gyani Sher Singh made the following statement in regard to this resolution :—

"We accept this resolution subject to our statement already submitted as a part of the Punjab settlement".

On behalf of the All India Conference of Indian Christians, Mr. E. Ahmed Shah made the following statement :—

"The All India Conference of Indian Christians emphatically places its case before the All Parties Conference and requests that inasmuch as a special case has been made for the largest majority community (the Hindus) in the N.-W. F. Province, and for the strongest minority community (the Mohameds) in all provinces of India where they are in minority, and finally even a special provision has been made for the proportionate representation of the Sikhs in the Punjab,\* we request, that in the name of fairness and justice a similar representation in the legislatures be given to the third largest community in India i.e., the Indian Christians".

The President put the following resolution from the chair :—

14. This Conference declares that the agreements contained in the foregoing resolutions and decision are based upon the assumption that Scheme to be treated as a whole, the general scheme sketched out in the Nehru report adopted by this Conference shall be given effect to as a whole inasmuch as the various provisions thereof are interdependent upon each other, and all the parties assembled in this Conference hereby agree that every one of them will stand by it as a whole and will refuse to accept any single part of it without giving full force and effect to all other parts.

Provided that any modification of this scheme may be accepted by the consent and agreement of all the parties.

The resolution was passed with one member dissenting.

The next and last resolution was also put from the Chair and was passed. It ran as follows :—

15. This All Parties Conference requests and authorises Mrs. Sarojini Naidu to carry the greetings of the people of India to the people of the West, whom she is about to visit, and also to convey India's determination to win her freedom and thereby provide the necessary atmosphere for world peace.

Pt. Madan Mohan Malaviya then proposed a vote of thanks to the President. The Maharaja of Mahmudabad seconded and the Conference carried it with acclamation. The President replied to it.

Pt. Motilal Nehru proposed a vote of thanks to all those in Lucknow who had helped in making arrangements for the Conference, the workers and the volunteers. Mrs. Sarojini Naidu seconded. The house passed the vote with applause.

The President then declared the sessions of the Conference ended.

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\* NOTE by Secretary A. I. C. C.: This statement is not correct. No special provision has been made for the proportionate representation of the Sikhs in the Punjab.

# The All-Parties Conference.

## The Supplementary Report.

The Supplementary Report of the Enlarged Committee appointed by the All-Parties Conference held at Lucknow in August last, of which the proceedings are given in the foregoing pages was published in December 1928 on the eve of the Congress. Below is reproduced the main portion of the Supplementary Report amending some of the recommendations of the main report and answering the prejudiced and unreasonable critics. Lala Lajpat Rai was one of the co-opted members.

### Introductory.

Our task now is to carry out the instructions given to us by the Lucknow Conference. That task we have endeavoured to perform. We venture however to make some observations in the hope and belief that they may remove some of the misapprehensions which have arisen in certain quarters in regard to the scope and effect of our recommendations.

We did not expect complete unanimity about our recommendations. There is nothing more controversial in human affairs than the evolution of a constitution. Whenever such an attempt has been made, whatever the circumstances have been, peaceful or disturbed, opinion has been sharply divided. We expected, therefore, a sharp division of opinion in India. It has been an agreeable surprise to us, however, that these differences of opinion have not been very substantial or fundamental. Such differences as have arisen are, in our opinion, indicative of a healthy growth of public interest in constitutional questions. The issue of the constitution has become a live issue and one is bound to note that the various opinions are based on the strength and seriousness of conviction. The public mind has been impressed and stirred to an extent not experienced before.

Our critics belong to two large groups—those, chiefly English, who describe our recommendations as fantastic or impractical, and those in India who think that we do not go far enough or who criticise details. We have little to say to our foreign critics. Reason seldom, if ever, makes a strong appeal when self-interest is concerned. "The convictions of the mass of mankind," said John Stuart Mill, "run hand in hand with their interests and class feelings. We have a strong faith, stronger than either politicians or philosophers generally have, in the influence of reason and virtue over men's minds, but it is in that of the reason and virtue of their own side of the question. We expect few conversions by the mere force of reason from one creed to the other."

### British Critics.

We are not sanguine enough, therefore to expect to convince or convert those who have made it their business in the past to carry on an active propaganda in the English press and elsewhere against India. But even those who are habitually hostile to us have found it impossible to ignore the Report. The real conflict lies between two sets of ideas—the democratic and the autocratic form of Government. Our English critics, long used to unfettered autocracy in India, cannot swallow this democratic pill, in spite of their loudly expressed enthusiasm for democracy nearer home. This enthusiasm for democracy resolves itself in India into the perpetuation of autocracy under the hollow shell of democratic forms. A false affinity to democratic ideals and methods without its essence is even more undesirable than naked autocracy; for it misleads the superficial.

### Imitation Charge.

A charge brought against us by our critics in England is that we have followed European and particularly British models and have betrayed an utter lack of originality. We frankly confess that we have not been original. We have been content to follow models which have been tried and tested in other parts of the world and which even the framers of the Montagu-Chelmsford constitution professed to follow. There is no patent in constitutions, and we were not aware of the fact that it is a special virtue in a constitution that it should be unique and unlike all others.

Those who imagine that democracy is the special prerogative of the West know little of history. But whatever the past may have been we should like to know from our

critics what their alternative is to democracy. The only alternative, so far as we can see, is some form of autocracy.

### No more Autocracy.

The seat of autocracy, as far as we are concerned, has been Whitehall, and we are inclined to think that this excessive desire for an "oriental" constitution for India means a desire to perpetuate the autocracy of Whitehall in some shape or form. But it is time that our critics realised that whatever else may happen it is clear that no kind of autocracy is going to be tolerated in India. In his speech at Albert Hall on October 27, Prime Minister Baldwin said: "absolutism in monarchies is dead and absolutism in States is going."

It is said sometimes that although autocracy has to go ultimately there must be several steps leading up to its total abolition. Caution and expediency are sometimes necessary for the politician or statesman but there are occasions when half measures are dangerous. That time has come in India to-day.

There can be no question now of provincial autonomy with the Government of India or the Secretary of State retaining their powers. Only if the fullest responsibility is cast on the shoulders of the legislatures can they be expected to discharge their duties fearlessly and efficiently. Absence of such responsibility or divided responsibility leads to all manner of anomalies and monstrosities and woefully affects the morale both of public life and public administration.

We have had an example of this in the communal tension that has prevailed in the country during the last three or four years. The ardent communalist feels that his strength lies in feeding and supporting the communal feeling. The administration finds it difficult to control the enthusiasm or fanaticism of the communalist except by compromises which are seldom successful. The position could not have been worse under responsible Government where law and order rest with a popular legislature.

### Aga Khan—the Critic.

The ranks of our critics have been joined recently, we regret to say, by the Aga Khan. He tells us that the British people could never honourably agree to leave an armed force, or even civil administrators, in a country for the good Government of which it was no longer responsible..... If the British did this in a fit of madness, of which there has been no parallel in history, they would go down, not only in the estimation of the whole world, but in history for all time, for supplying armed force to a country wherein their responsibility had come to an end to be administered at the beck and call of other people." The Aga Khan is very solicitous about the honour and prestige of the British people. We wish he were equally concerned with the honour of his own country and people. There are some things to which the Indian people also will never agree and one of these is the perpetuation or continuation of British autocracy in India. The Indian people, we believe, are still prepared to welcome honourable co-operation with the British in many fields but that co-operation cannot be domination of any kind. We are prepared to welcome British experts, civil or military, on terms honourable to both parties. If, however, they only wish to come here to dominate and not on any other conditions then they are welcome to stay away. We shall take the risk and make other arrangements.

### The Case of Canada.

The Aga Khan's argument is creditable neither to the British nor to the people of this country, and if it represents any responsible opinion in England, we can only say that there was little of genuineness about the declarations that have so frequently been made about the establishment of responsible Government in India. The internal position in India is not and cannot be worse than it was in Canada when Lord Durham wrote his famous report, or even when responsible Government was actually established in Canada. He describes the French and the British "not as two parties holding different opinions and seeking different objects in respect to Government but as different races, engaged in a national contest." "The mutual dislike of the two classes," says Lord Durham, "extends beyond politics into social life, where, with some trifling exceptions again, all intercourse is confined to persons of the same origin. Grown up persons of a different origin seldom or never meet in private societies and even the children, when they quarrel, divide themselves into French and English like their parents. In the schools and the streets of Montreal, the real capital of the Province, this is commonly the case..... Such a sentiment is naturally evoked rather by trifles than by acts of intrinsic importance. There has been no solemn or formal declaration of national hostility, but not a day nor scarcely an hour passes without some petty insult, some provoking language, or even some serious mutual affront, occurring between persons of French and British descent."

## India's Defence.

A similar argument about India's incapacity to defend her frontiers and the consequent impossibility of India achieving responsible Government was advanced in 1919. In dealing with it, Mr. Montagu said: "Parliament, I think, must see that you do not at one and the same moment withhold things for a particular reason, and then refuse the opportunity of procuring them. Do not at one and the same time say it is only minority that wants them, when that minority tries hard to convert the majority. You must expect to see political life developed throughout India. Do not deny to India self-Government, because she cannot take her proper share in her own defence and then deny to her people the opportunity learning to defend themselves. These are problems of which Parliament takes upon itself the responsibility by this Bill".

## Analogy of Bavaria Misleading.

The Aga Khan advocates independence for each Indian province and says that the position of each province must be "akin to that of Bavaria in the former German confederation, rather than that of an American State or a Swiss Canton." Some Indian princes and some Indian politicians, particularly of the Muslim community, have also laid stress on the future constitution being of a federal and not of a unitary type.

The Aga Khan's reference to Bavaria is, we think, particularly unfortunate. "The North German confederation," says Gooch in his book on Germany, "was transformed into the German Empire by the adhesion of the Southern States, and the 'amour propre' of Bavaria was flattered by some innocent constitutional privileges. The Reich consisted of twenty-two States, and the three Hansa towns. The Imperial dignity was conferred on the kings of Prussia in perpetuity, but Bismarck took care not to ruffle the feathers of the German Princes. King William became the German Emperor, not Emperor of Germany, and the juridical sovereignty of the Reich was held to reside in the totality of the federated governments. The constitution, indeed, represented a skillful compromise between conflicting claims and principles..... Little enthusiasm for Prussian hegemony could be expected in the South, and the achievement of German unity under Prussian headship caused as little satisfaction to Gervinus and Constantin Frantz as the consummation of Italian unity under the House of Savoy brought to the republican soul of Mazzini." Again, Emil Ludwig in his "Life of Bismarck" says, "as a liegeman of the king of Prussia, as a Knight of Brandenburg, his only concern was with the expansion of Prussia; and he would much rather, after the manner of earlier centuries, have conquered German princes in order to enlarge Prussia, than have troubled himself about the problems of the Germanic federation. 'Primus' was what he wanted to be and only perforce 'interparces'." We sincerely hope and trust that the analogy of Bavaria will not be pressed as a model for an Indian federation.

## Federal and Unitary Types.

There has been a great deal of argument in the Country on the respective merits of a federal or unitary type of government. We would like to point out however that political experience in other parts of the world has shown how impracticable it is to establish a new constitution on either an exclusively federal or an exclusively unitary model. The tendency in recent times has been towards a compromise. In some constitutions one type dominates, in others the other type. On this question we should like to quote a passage from Brand, a writer who played a considerable part in the evolution of the constitution of the Union of South Africa. In his book on South Africa he says: "Federalism is after all a 'pisaller,' a concession to human weakness. Alexander Hamilton saw its dangers, and only acquiesced because by no other means was union possible. In Canada, Sir John Macdonald strongly favoured a legislative union, but was obliged to bow to the intense provincialism of Quebec. In Australia the narrow patriotism of the different states has imposed upon the Federal Government limitations which are generally admitted to be checking that country's advance. Federalism must be accepted where nothing better can be got, but its disadvantages are patent. It means division of power and consequent irritation and weakness of the organs of government, and it tends to stereotype and limit the development of a new country. South African statesmen have been wise to take advantage of the general sentiment in favour of a closer form of union."

In drawing up our proposals we have deliberately declined to be overborne by one type or the other. We have borne in mind the peculiar position of India and have provided for the development of the fullest possible provincial life compatibly with national interests. We have kept before us the peculiar problem of minorities in various provinces, which, in our opinion, necessitates the reservation of a certain measure of interference, in cases of grave emergency, on the part of the central government. The limits we have



provided for provincial activities and functions are very wide, and within these limits provincial governments will be masters within their own houses, free from the control of the central government. It is obvious, however, that there is a very large field of state activity which, in any system of stable administration, must be covered exclusively by the central government which alone can safeguard national interests and reconcile conflicting claims between province and province. It is from this point of view that we have approached our task and we are happy to be able to say that the vast majority of those of our countrymen who have thought over the matter have expressed their approval of the line adopted by us. We trust that in examining our proposals more need will be paid to the substance and less to academic theories.

#### Adult Suffrage.

Our proposal to have adult franchise has also been subjected to some criticism though we are glad to note that it has met with a large measure of support. This proposal was part of the communal recommendations and cannot be separated from them. We are fully aware of the difficulties of adult franchise, but both theory and practice strongly support it. Professor Laski has pointed out that "neither sex nor property, neither race nor creed, ought to prevent a citizen from aiding in the choice of his rulers. The choice may often be wrong, but then democracy lives by the method of trial and error. If the citizen has rarely the knowledge necessary to give a reasoned choice, it is the duty of the State to organize on his behalf easy access to such knowledge. For, whenever the body of voters is limited, the welfare realised usually excludes that of the persons excluded. No test has been devised which enables us to limit the franchise in such a fashion as to equate civic virtue with the possession of the franchise. Its limitation to property owners, was disastrous to those who did not own property. Its limitation to a creed or caste meant always special privilege to that creed or caste. Even Mill's test of education beyond simple literacy is unrelated to the virtues we require. Another recent writer on the new democratic institutions of Europe, observes, "The new constitutions have with one accord adopted equal universal suffrage. It is the inalienable right of every citizen to vote, and people insist on expressing their sovereignty directly, and not through the medium of the more intelligent or wealthy classes in society."

Theory thus is entirely in its favour. In this connection the recommendations of the Ceylon Commission are of some interest. They have advocated a wide franchise because this would expedite the passing of progressive social and industrial legislation, and would lessen corruption and the manipulation of the electorate. A wide franchise they felt would also automatically raise the position of the depressed classes. Dealing with this question, they say: "We have here to consider whether or not it was desirable that they should be given some form of special representation. It seems to us, however, apart from the general considerations we have advanced, that the enfranchisement of these people and the provision of equal and adequate educational facilities are the true remedies for this condition."

#### Dangers of Adult Franchise.

It has been stated that adult franchise involves two dangers. The first is that the electorates are very largely uneducated and cannot be expected to exercise the franchise intelligently or to control their representatives. The second is the vastness of the country and the inadequacy of the means of transport which will make it difficult to evolve a satisfactory machinery for the functioning of the system. As regards the first we think that the repeated exercise of the right to vote is in itself a powerful educative factor. Literacy or some education has not been the test of the franchise in other countries when adult franchise was adopted and we see no reason why it should be so in India. We maintain that the average Indian voter understands his business and that he can form an opinion on matters that affect him directly. He will be no more liable to wire-pulling than the average voter in other countries. A Parliament elected on a narrow franchise is more of a menace to stability than a Parliament elected on a wide franchise. A comparatively small class dominating over Parliament necessarily looks after itself and largely ignores the interests of others and thus gives rise to disaffection and discontent which may become a great menace to stability of government and society.

The second objection to adult franchise is the difficulty of devising machinery for the working of the system. We appreciate the difficulties but we certainly do not think that it is impossible to devise the machinery or to work it. It will no doubt involve heavier public expenditure but the principle involved is well worth paying for.

A few of our critics have presumed to say that our proposals are meant to ensure the supremacy of the Brahmans in the government of the country. If there was the slightest chance of this or of any small class becoming supreme or dominant adult

franchise would do away with it. But to those who know anything of the texture of Indian politics it is apparent that political leadership during the last fifty years has not been the monopoly of Brahmans. Such Brahmans as have come to the fore in the political life of the country—men like Mr. Tilak, Mr. Gokhale and Mr. Shastri—have acquired their position and influence by the possession of the very same qualities of leadership which have enabled non-Brahmans like Mr. Gandhi, Mr. C. R. Das, Lala Lajpat Rai and Mr. Jinnah to lead and influence public opinion in India. We might also refer to the great leaders of the past such as Dadabhai Naoroji, Pherozeshah Mehta, Bndr-nd-din Tyahji, Bhupendra Nath Basu, Kalicharan Banerji (a Christian) and R. C. Dutt.

### The Indian States.

We have discussed at length in the main Report the problem of the Indian States and their relation to the future commonwealth Government. Our position however seems to have been misunderstood in certain quarters and we shall try to remove this misconception and meet some of the criticisms made.

In the Report we quoted extensively from Lord Reading's letter dated 27th March, 1926. We did so to give the latest official and authoritative exposition of the theory of relationship between the British Government and the Indian States. We did not discuss the merits of the claim put forward in that letter. Indeed we pointed out that the letter had been criticised and had caused much dissatisfaction and searching of heart. We should not therefore be understood to endorse this letter or the principles it contains.

We have been led to believe from all that has appeared in the press in India and England and from Sir Leslie Scott's letter which appeared in the Law Quarterly Review that the Indian princes were anxious to urge and establish the theory that their relation were directly with the Crown and that the Government of India were acting as the agents of the Crown. Further, that the Government of India would always continue to be of one particular pattern and any change in its character and composition would necessarily affect the continuance of these relations. We question the soundness of this theory and we have pointed out and emphasised the dangerous implications that follow from it.

Since our Report was published it has been announced that the Princes are not going to raise this question before the Butler Committee. We are glad of this decision although the Princes have not so far authoritatively repudiated Sir Leslie Scott's views on the matter.

In our Report we expressed our sympathy with the desire of the Indian Princes to have their grievances remedied. How far and how best those grievances can be remedied, we stated, were matters for investigation and joint consultation. The Maharaja of Patiala has dealt with the present position of the Princes in an article in the November number of the Contemporary Review. Referring to a scheme put forward by the Princes before Mr. Montague, he says: "We wanted three things: a Chamber of Princes which would enable the States to speak with a common voice, and thus take their share along with British India in framing policies and taking decisions which affected the whole of India in common: an advisory board.....to be associated with the Political Department.....and lastly a system of arbitration.....between the States and the Government of India."

So far as the demand for arbitration is concerned we have ourselves made a recommendation to that effect in our Report. In regard to the Chamber of Princes, politicians in British India are surely not responsible for its defects and failings. Nor has the Indian Legislature been in any way responsible in framing policies for the Indian States. That responsibility has rested entirely on the Government of India or the Secretary of State. The Maharaja of Patiala complains that British India dictates the policy for the whole of India and the States are given no share in framing it. This is true but by British India here is only meant the Government of India and the Secretary of State, and not the Indian Legislature.

We have not suggested nor do we desire to withhold from the States what belongs to them or should belong to them legitimately. Clause 85 of our draft has been subjected to some criticism on the ground that it seeks to perpetuate the very evils against which the States are now protesting. We should like to make it clear that we do not desire any encroachment upon the rights of the States. We stand for just and equitable treatment and indeed in the main Report we stated that "the Government of India of the future will discharge their obligations in their integrity and with every desire to promote harmonious relations and no desire to override cherished privileges or sentiments."

It has also been urged that clause 85 arrogates to the Commonwealth a position of superiority over the states. We would point out however that if the Government of the Commonwealth must discharge obligations towards the States, it is only fair that it must also exercise those rights which under the constitution will belong to it. There is no question of superiority.

It has also been urged by the Maharaja of Bikaner that the words "arising out of treaties, engagements, sanads, or similar other documents" in the second part of clause 85 may exclude certain fiscal and other justiciable matters. We would point out that it is a question of policy whether fiscal matters should be referred to a judicial tribunal or determined by some other machinery which may be established with common consent. Other justiciable matters may be brought before the Supreme Court if it is found that they can be dealt with in this way. We have no objection to this. If they cannot be so dealt with we would be willing to co-operate in exploring other avenues of settlement.

#### Federation and the States.

Lastly, we would recall that we have referred in our original Report to the possibility of a Federation between British India and the States. We stated then that "If the Indian States would be willing to join such a Federation, after realising the full implications of the federal idea, we should heartily welcome their decision and do all that lies in our power to secure to them the full enjoyment of their rights and privileges." We stand by that opinion. We note that the Maharaja of Patiala says, in the article referred to above, that the Indian Princes are perfectly prepared to entertain the idea of a Federation such as has been proposed in the memorandum presented to the Simon Commission by the European Association of India." If the idea of a Federation is being entertained seriously we would suggest that the Indian Princes might give some consideration to the proposals put forward by Indian politicians also. An Indian Federation, if it is to be a reality, must not only define and regulate the relations between the Commonwealth and the States on a just and equitable footing but must also lay the foundations of a strong central authority and at the same time should give the fullest measure of freedom to each constituent unit to work out its own evolution.

The telegraphic summary of the debate in the House of Lords initiated on Lord Olivier's motion on the 5th December was received when these pages were in proof. We can only take a very brief notice of it. There should be no doubt now that the position we have taken in the main Report and in the preceding pages is thoroughly justified. Three main points emerge clearly from the debate. The first and the most important is that "rights and duties of the Paramount power set forth in the famous letter to the Nizam of Hyderabad" have received the approval of the British Cabinet. The result is that the Princes have not at all advanced their case by their recent activities in India and in England and remain exactly where they were when the "famous letter" was published. We offer them our sincere sympathy. The next point is that it is not the intention of the British Government "to compel or in any way force upon the States a different constitution than the one they at present enjoy." There is of course no question of any compulsion and we never suggested any, but it is for the Princes to consider whether they are content with the "constitution they at present enjoy" which is none other than that laid down in the "famous letter." It is a mischievous suggestion which we entirely repudiate that there is any scheme in contemplation by which the Princes are to be "placed in a position of subservience to the legislatures of the central or provincial governments." The idea of a democratic legislature holding in subservience any class of person who agree to participate in its proceedings is wholly inconceivable to us. The third point arises from the significant remark of Lord Reading. The author of the "famous letter" has said that the Princes were never slow to fall in with any view that might be put forward by the Government of India which was founded upon a desire to protect India or strengthen India in any way." The plain English of this in our opinion is that the Princes are to be used to strengthen the present autocratic government of India. We trust the Princes will seriously consider their position in the light of this debate and choose between the continuance of their rights and duties as set forth in the "famous letter" and the honorable membership of the Commonwealth of India. We hope they will choose wisely.

#### CHAPTER I.—THE ENLARGED COMMITTEE.

After making certain amendments to the recommendations of the Committee the Lucknow Conference by its resolution number 13 adopted in principle the constitution outlined in the main Report. The same resolution continues :—

"This Conference resolves to re-appoint the Nehru Committee with power to co-opt and authorise it to select and instruct a Parliamentary draftsman to put the constitution outlined and recommended by it as accepted by this Conference with all necessary ancillary and consequential provisions in the shape of a bill to be placed before a convention of the representatives of all political, commercial, labour and other organisations in the country present at this Conference and others of not less than two years' standing, provided that nothing will be added or altered which is inconsistent with the agreements and decisions arrived at by this Conference.

The Committee shall take all necessary steps for the holding of the said convention on such date as may be fixed by it.

In drafting the bill the Committee shall take into consideration Schedule I and Schedule II to the Report and the Committee is authorised to make such alterations in the said schedules as it may think necessary."

Immediately after the conclusion of the Conference some members of the Committee present in Lucknow met and in consultation with the members of the Working Committee of the Congress selected Dr. Bessant and the following gentlemen to be co-opted as members of the Committee: Dr. M. A. Ansari, Pandit Madan Mohan Malaviya, Lala Lajpat Rai, Maulana Abul Kalam Azad, Mr. M. A. Jinnah, Mr. C. Vijayaraghavachariar and Maulana Abdul Kadir Kasuri. This selection was circularised to the members of the Committee who were not present at this informal meeting and their approval was subsequently received. With the exception of Mr. Jinnah who was not in the country the co-opted members signified their assent to serve on the Committee. On his return from Europe Mr. Jinnah declined to act. Our colleagues Messrs. J. R. Pradhan and M. N. Joshi were unable to attend any of the meetings of the committee. We are sorry the time at our disposal did not permit of our obtaining their approval of the draft report before it was sent to the press. We are therefore compelled to issue it without their signatures.

#### Calcutta Convention.

At a meeting of the enlarged Committee held at Simla on the 26th September it was decided to hold the Convention in Calcutta on the 17th December in order to enable the Indian National Congress and the other organisations to consider the decisions of the Convention at their annual sessions which are usually held during the Christmas week. Having regard to this decision it was pointed out that the interval was not sufficient to enable the Committee to carry out the directions of the Conference and have its recommendations put in the form of a bill by a Parliamentary draftsman. It was also considered premature to have such a bill drafted before it was known what the decisions of the Convention would be. The idea of the bill was therefore dropped and the publication of this supplementary report by the Committee on the points referred to it by the Lucknow Conference was considered more desirable.

The question of the date of the Convention was reconsidered at the meeting of the Committee held at Delhi on the 5th November. It was agreed that the date should be fixed with due regard to the convenience of all the organisations and so far as possible before the open sessions of the Congress. The 19th December was therefore provisionally fixed and in view of a press statement issued by Mr. Jinnah that the Convention should follow the annual sessions of the various organisations a sub-committee consisting of the Chairman, Dr. Ansari and Maulana Abul Kalam Azad was appointed to confer with Mr. Jinnah and to communicate with the other members of the Committee if there appeared "grave reasons for not holding the Convention before the Congress." The sub-committee accordingly met Mr. Jinnah at Lucknow but unfortunately no agreement could be reached. Mr. Jinnah was in favour of holding the Convention after the annual sessions of the various organisations for the reason that it would only then be possible for the representatives of the Muslim League to attend the Convention with full authority to take a responsible part in its deliberations. This opinion was not shared by many members of the Council of the League which was meeting at the time as it was thought that the Council itself could give the requisite authority but Mr. Jinnah adhered to his views. The reason given did not apply to other organisations whose executives, with the exception, perhaps, of one or two, had duly elected their representatives to attend the Lucknow Conference where important decisions were arrived at. This they did in compliance with an appeal made by Dr. Ansari to send duly elected representatives to the Convention.

#### About Dates.

We were of opinion that any authority given to representatives could not obviate the necessity of formal ratification by the parent institutions and that the result of holding the Convention after the annual sessions of the various organisations would be to leave

the decisions of the Convention unconfirmed for a whole year which was highly undesirable. The Committee therefore decided to meet the objection of Mr. Jinnah by so arranging the dates of the Convention as to enable the Muslim League to appoint duly authorised representatives at its annual sessions and at the same time to afford the fullest opportunity to all organisations to consider the decisions and pronounce their final opinions on them. The 26th, 27th and 28th December were fixed by the Council of the Muslim League at Lucknow for the annual sessions of the League. The Convention will open on the 22nd December which will probably be taken up with the inaugural speech of the President and other formal proceedings. The next two days will be given to more or less non-controversial matters. It is expected that in the course of these discussions occasion will arise for informal consultations between the various parties and meetings of any committees which may be appointed by the Convention to report to it on matters arising out of the discussions. There will therefore be no session of the open Convention on the 25th and 26th December and the various parties will be at liberty either to hold their separate meetings or joint conferences with other parties on those days. The Subjects Committee of the Indian National Congress will also meet on the 25th and the 26th to discuss the resolutions to be brought up before the Congress. The Convention will meet again on the 27th and will continue its sittings on the 28th and if necessary also on the morning of the 29th to discuss the communal and such other questions as may be reserved at the previous session. The Muslim League will have ample opportunity on the 26th and the 27th to authorise or instruct its representatives who will be able to attend the final sessions of the Convention with the necessary authority to deal with the communal and any other questions which they may like to raise. The Congress will meet on the 29th, 30th and 31st December with all the materials necessary to enable it to give its final verdict. This arrangement ought to meet the wishes of all parties. We have given the matter our most anxious consideration and have come to the conclusion that the course adopted is in the circumstances most desirable as it makes it possible and convenient to all organisations to be properly represented at the Convention and also gives them the opportunity of considering the decisions of the Convention in their full sessions.

We desire to take this opportunity to record our sense of gratefulness to the numerous bodies and associations which have passed resolutions expressing their approval of the scheme outlined by us. The general appreciation of our humble effort has been very encouraging to us and we treat it as a clear indication of the strength of will of the nation to be satisfied with nothing less than full responsible government.

## CHAPTER II.—AMENDMENTS OF THE RECOMMENDATIONS.

I. The most important question which engaged the attention of the original Committee and was discussed at length in the main Report was the question of reservation in the Punjab and Bengal. It is gratifying to note that the recommendations of the Report were accepted by the Hindus and Muslims of the Punjab at the Lucknow Conference and the clauses relating to Bengal were formally accepted on behalf of Bengal Muslims and Hindus by Messrs. Akram Khan and J. M. Sengupta. The Punjab agreement is embodied in resolution No. 6 of the Lucknow Conference. All that is necessary for us is to add a proviso to Clause III (a). The proviso will run as follows:—

“Provided that the question of communal representation will be open for reconsideration if so desired by any community after working the recommended system for 10 years.”

It is a matter of great satisfaction that the Punjab and Bengal Provincial Muslim Leagues as well as the Punjab Provincial Khilafat Committee have at their open sessions fully accepted this agreement. The question of reservation of seats for Muslim majorities must therefore be taken as finally settled, the Muslims of the only two provinces concerned having accepted the Lucknow agreement. We are aware that the seceders from the old Muslim League in the Punjab and certain sections of Muslims in the minority provinces are still dissatisfied with the Punjab Hindu Muslim agreement. As against the former we have the fact that numerous public meetings held in almost all the important towns of the Punjab and attended by thousands of Muslims have passed resolutions approving the recommendations and that not a single public meeting has been called to support the point of view of the seceders. We should have been glad to notice some of the point they have tried to make against our recommendation if we were only sure that they themselves believed in those points. When we find these gentlemen approaching the Statutory Commission with the most reactionary proposals insisting on communal electorates, transfer of power to the popular representatives in the Central Legislatures and continuation of law and order as a reserved subject in the

Provinces we may be excused if we refuse to treat them seriously when they take us to task for not recommending proportional representation, a complete federal system of Government from top to bottom, and full provincial autonomy. As regards Muslims in Provinces other than the Punjab and Bengal, we are of opinion that they are entirely out of court as they are not in the least personally affected and have not been briefed by their brethren of the Punjab and Bengal who, as pointed out above, have accepted our recommendations. Bengal Muslims generally must be taken to have accepted the resolution of the Provincial League approving the Lucknow decisions as no other Muslim meetings have been held in that province either for or against that resolution. We therefore submit that the controversy about reservation of seats for majorities must now be taken as closed.

2. The connected question of reservation of seats for minorities was considered by us at our meeting held at Delhi on the 5th November and in compliance with the general Muslim desire expressed in the press and at various meetings we have added the following proviso to clause IV.

"Provided that the question will be open for reconsideration after the expiration of that period if so desired by any community."

A great grievance has been made by certain sections of the Muslims against the main Report for not allowing the continuance of the weightage at present enjoyed by the community in provinces where it is in a minority. The reasons for that recommendation are fully set out at pages 51 to 58 of the main Report. We desire to point here that the Madras Congress resolution which is accepted by most of these critics allows no weightage to minorities except as a result of reciprocal concessions by mutual agreement. No question of such concessions arises on our recommendations as we have not allowed any weightage to Hindu or any other minorities. Under the Madras resolution the Muslim minorities would be not only not entitled to claim any weightage but would be precluded from contesting additional seats beyond those warranted by their strict proportion to the population. So far from depriving them of any advantages they would have had under that resolution we have actually given them a valuable additional right which on reconsideration we hope they will appreciate.

3. The question of the separation of Sind from the Bombay Presidency has been settled by mutual agreement which was adopted by the Lucknow Conference in resolution No. 4 vide page 162. It is one of the tragedies of communal controversy that the two bitterest opponents of the Lucknow agreement, Maulana Shaukat Ali and Maulvi Shafi Daudi are the signatories to the Sind agreement and have not yet explained how they came to sign it if as they now say it puts "Islam in danger."

We therefore unhesitatingly recommend that the Lucknow resolution be substituted for Clause V of the main Report vide page 124.

4. The word "Baluchistan" was by an oversight omitted from Clause VII (p. 124). By resolution 12 of the Lucknow Conference (p. 166) this omission was rectified and the clause will now read as follows :—

"The N.-W. F. Province, Baluchistan and all newly formed provinces by separation from other provinces, shall have the same form of government as the other provinces in India."

5. The question of language was referred by the Lucknow Conference to us for report (resolution No. 9 p. 165). We have adopted the suggestions of the Conference and recommend that Clause 4(v) of the original recommendations (p. 102) dealing with fundamental rights be amended by the addition of the following proviso :—

"Provided that adequate provision shall be made by the State for imparting public instruction in primary schools to the children of members of minorities of considerable strength in the population through the medium of their own language and in such script as is in vogue among them."

Explanation—This provision will not prevent the State from making the teaching of the language of the Commonwealth obligatory in the said schools."

In accordance with the same resolution of the Lucknow Conference we also recommend that the following new clause be added to the original recommendations after clause 4 under the new heading "Language" (p. 103) :—

4A. (i) The language of the Commonwealth shall be Hindustani which may be written either in Nagri or in Urdu character. The use of the English language shall be permitted.

(ii) In provinces the principal language of a province shall be the official language of that province. The use of Hindustani and English shall be permitted.

6. The last question having a communal aspect referred to us was the amendment of clause 87 (p. 125). We were directed to amend that clause "so as to safeguard the

interests and rights of the various minorities in the central legislature with regard to the amendment of the constitution." (Resolution 7, p. 165). A sub-committee consisting of Mr. Chagla, Sir T. B. Sapru and Pandit Hriday Nath Kunzru went into the question and reported that the needs of the situation would be met by substituting the words "4/5ths of those present" for the words "2/3rds of the total number of members." We entirely agree and recommend that the said amendment be made.

#### Muslim Demand,

It will be seen from the above that we have gone a very long way to meet the Muslim demand. The only point upon which we are sorry we cannot see eye to eye with them is the question of reservation for them of 1/3rd of the total number of seats in the Central legislature. This point has been fully dealt with in the main Report (p. 53 last paragraph and p. 51). We have not heard anything since to induce us to alter our opinion. On the contrary we are convinced that the fears of the Muslims are more imaginary than real. We may point out that our recommendations in this respect are more favourable to Muslims than the Madras Resolution which provides that the proportion agreed upon for the provinces shall be maintained in the Central Legislature. We have fixed no proportions for the Punjab and Bengal. With the unfettered rights we have recommended for Muslims in these provinces to contest any number of seats they like, the chances are that they will capture more seats for the Central legislature than they are entitled to in strict proportion to their population.

We dealt with the last District Board elections in Bengal at p. 47 and 48 of the main Report and gave interesting figures relating to it on Appendix C, (p. 154). The figures for the Punjab were not then available to us but we anticipated similar results in that province also. We are now in possession of full particulars and find that our expectation was justified. The figures now available are given in Appendix "A" to this report. They will appear at a glance to be even more illuminating than those of Bengal. In spite of the fact that the non-Muslim voters for the Punjab District Boards number about 3,02,000 and the Muslim voters about 2,08,000 only, Muslims have captured 408 seats out of a total of 815 which is just over 50 per cent. In 15 out of 28 districts the Muslim members exceed Hindus and Sikhs combined. While there are 9 districts where no Sikhs have been elected and 4 where no Hindu has been elected there is only one district where the Muslims failed to capture a single seat. In two districts all the elected members are Muslims.

As we have shown in the main Report any attempt at the reservation demanded will upset the whole of our scheme. We are therefore strongly opposed to it. We appeal to the Muslims in the minority provinces to accept our recommendations in a generous spirit. The question does not arise in Bengal and the Punjab.

We cannot close this chapter without expressing our deep regret at the attitude taken by the Sikhs on the main Report and the Lucknow resolutions. Their case is fully considered in that Report at pages 56 and 57 and we have again given our most anxious consideration to it. The complaint so far as we can understand it is against reservation of seats for Muslim minorities for a fixed period. The Sikhs do not stand to gain if this reservation is removed but have chosen to champion the cause of true nationalism and democracy by insisting on total abolition of reservation from every part of the country. We have not claimed that our recommendations can be justified by abstract principles. Indeed no constitution in the world can be supported by a strict application of those principles. All we claim is to have suggested a constitution which in all the circumstances of our country appeared to us to be just and reasonable. We regret we cannot remove the temporary reservation we have proposed on practical consideration simply to vindicate the highest principles of democracy.

There is one matter, however, in which the Sikhs have our entire sympathy and that is their proposal to introduce proportional representation in the Punjab. Our colleague Sardar Mangal Singh is strongly in favour of this system—we have discussed the question at length in the main Report (pp. 35 to 37 where we have expressed our own approval of the principle but have refrained from recommending it on practical grounds. We shall be glad if a way out of those practical difficulties is found by the Convention.

#### CHAPTER III.—AMENDMENTS OF THE RECOMMENDATIONS.

We shall now deal with matters other than communal. Some of the amendments to the original recommendations have been made by the Lucknow Conference and suggestions for other amendments have been referred to us. We shall first take the former.

1. Cl. 3 "Definition of Citizen."—In accordance with resolution No. 8 of the Lucknow Conference we have amended cl. 3, of the original recommendations by adding a fresh sub-clause as follows:—"who being a subject of an Indian State ordinarily carries on business or resides in the territories of the Commonwealth."

At the time of writing this report our attention was called to the criticism of sub-clauses (a) and (h) of the original clause (3) that those sub-clauses exclude British subjects coming from the United Kingdom or the Dominions from acquiring rights of citizenship, while subjects of foreign countries naturalised in the Commonwealth of India are given that privilege. This criticism appears to us to be well founded. The matter however was not discussed at any of the meetings of the Committee and we must therefore leave it to the Convention to consider the advisability of adding another sub-clause as follows: "or who being a subject of the Crown carries on business or resides in the territories of the Commonwealth." If these amendments are carried out the sub-clauses will have to be re-arranged and clause (3) will read as printed in Chapter IV.

2. We have carried out the amendment to clause 4 (ii) as decided by the Lucknow Conference by adding the words "all titles to private and personal property lawfully acquired and enjoyed at the establishment of the Commonwealth are hereby guaranteed."

3. Sub-Clause 4 (xvii)—In accordance with resolution II we have added to this sub-clause the words "and Parliament shall also make laws to ensure fair rent and fixity and permanence of tenure to agricultural tenants."

4. By resolution 13 the Lucknow Conference directed us to take schedules I and II of the Report into consideration and make such alterations therein as may appear necessary. This direction was given in view of certain amendments proposed by Chowdhari Afzal Haq. Our colleague Maulana Abdul Kadir Kasuri informed us that the object of the amendments proposed by Chowdhari Afzal-ul Haq was to make it clear that legislation for the control of the subjects mentioned in items 28, 29 (a), 29 (b), 37 (a) (b) (c) and 38 of schedule I properly falls within that schedule but that the actual administration of those subjects must be left to the provincial Governments. We have therefore added the words "Laws relating to this" before the word "control" in items 28, 29 (a) and 29 (b), and the same words before the word "welfare" in item 37 (a), before the word "provident" in item 37 (b), and before the word "industrial" in item 37 (c).

These were all the amendments which our colleague Maulana Abdul Kadir Kasuri considered necessary in schedule I and we have adopted his suggestion. No amendment of schedule II was proposed either at the Lucknow Conference or suggested to us at our meetings.

We now turn to the amendments upon which there is no resolution of the Lucknow Conference and fall within the matters referred to us for consideration and report.

5. We proposed the following new clause to be added immediately after clause 13 and to number it as clause 13 A:—

(a) "In cases of grave emergency and in matters of serious controversy between provinces or a province and an Indian State, the Central Government and Parliament shall have all the powers necessary, and ancillary, including the power to suspend, and annul the Acts, executive and legislative, of a provincial Government.

(b) The Supreme Court shall have no jurisdiction in cases where the Commonwealth Government or Parliament has acted in exercise of the powers under the preceding subclause."

The necessity for the clause will be quite evident. We find something similar to it in almost every written constitution. The clause no doubt confers extraordinary powers but no Central Government can be carried on without those powers. What is important for the safety and security of the people is that such powers should be under the control of Parliament and not merely in the hands of the Executive Government. We have taken care to establish such control.

6. Under clause 29 of the original recommendations the Governor of every province was to be appointed by the King. This has been the subject of some controversy. We are agreed that the appointment of a Governor should be made by the Governor-General-in-Council and therefore recommend that in clause 29 for the words "by the King and represent His Majesty in the Province" the words "by the Governor-General-in-Council" be substituted. There was some discussion at our meeting as to whether the power should rest with the Governor-General or Governor-General-in-Council. The majority favoured the latter view.

7. Having regard to the amendment made in clause 29, clause 30 would now read as follows: "The salaries of Governors shall be fixed and provided by Parliament and until so provided shall be as in schedule....."

8. Clause 57 of the original recommendations provided for the removal of the Chief



Justice and the other Judges of the High Court by the Governor-General-in-Council on an address by the Provincial Legislature. It was the general opinion at the Lucknow Conference that the power should be exercised by the Governor-General-in-Council on an address from both Houses of Parliament. Apart from the fact that members on the Provincial Legislature cannot be expected to be entirely uninfluenced by local controversies difficulties will arise if there is one High Court for two or more provinces. We therefore recommend that for the words "by the Provincial Legislature" the following words be substituted: "from both the Houses of Parliament in the same session praying for such removal on the ground of misbehaviour or incapacity."

9. It is not necessary to explain verbal amendments which we have recommended in certain clauses. For the convenience of the Convention all the recommendations made in Chapter VII of the main Report are reprinted in the Appendix to this report and the amendments now recommended appear in italics.

These are all the amendments that we feel called upon to recommend.

We have considered resolution 14 of the Lucknow Conference which runs as follows:—

"This Conference declares that the agreements contained in the foregoing resolutions and decisions are based upon the assumption that the general scheme sketched out in the Nehru Report adopted by this Conference shall be given effect to as a whole inasmuch as the various provisions thereof are interdependent upon each other, and all the parties assembled in this Conference hereby agree that every one of them will stand by it as a whole and will refuse to accept any single part of it without giving full force and effect to all other parts.

"Provided that any modification of this scheme may be accepted by the consent and agreement of all the parties.

This resolution embodies a most important agreement between the parties but we are of opinion that there is no place for it in the constitution itself. It is used and operative only during the period preceding the passing and adoption of the constitution and forms no part of it. We think it will serve its purpose if the resolution is confirmed by the Convention.

Our colleague, Mr. Shuaib Qureshi resigned from the Committee on his departure for Europe.

Motilal Nehru,  
Tej Bahadur Sapra,  
S. Ali Imam,  
Madan Mohan Malaviya,  
Annie Besant,  
M. A. Ansari,  
M. R. Jayakar,

Abul Kalam Azad,  
Mangal Singh,  
M. S. Aney,  
Suhbas Chandra Boss,  
Vijayaraghavachariar,  
Abdul Latif Kasuri.

## Recommendations?

The following are the amended recommendations made by the Enlarged Committee:—

### Constitutional Status of India,

1. India shall have the same constitutional status in the community (the word in the Report was Comity) of nation known as the British Empire, as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and the Irish Free State, with a Parliament having powers to make laws for the peace, order and good Government of India, and an executive responsible to that Parliament; and shall be styled and known as the Commonwealth of India.

### Operation of the Constitution and Laws.

2. This Act and all laws made by the Parliament of the Commonwealth thereunder shall be binding on the courts and people of every province, and of every part of the Commonwealth, notwithstanding anything in the laws of the Indian Legislature or of any province or any Act of the United Kingdom extending to British India; and the laws of the Commonwealth shall be enforced in all Indian territorial waters.

### Definition of Citizen.

3. The word "citizen" wherever it occurs in this constitution means every person.

(a) who was born, or whose father was either born or naturalised, within the territorial limits of the Commonwealth and has not been naturalised as a citizen of any other country ;

(b) who being a subject of an Indian State ordinarily carries on business or resides in the territories of the Commonwealth ; (this clause was added by the Lucknow Conference.)

(c) Or who, being a subject of the Crown carries on business or resides in the territories of the Commonwealth (Recommended by the Enlarged Committee to be added by the Convention).

(d) who is naturalised in the Commonwealth under the law in force for the time being.

Explanation.—No person who is a citizen of a foreign country can be a citizen of the Commonwealth unless he renounces the citizenship of such foreign country in the manner prescribed by law.

#### Fundamental Rights.

4. (i) All powers of Government and all authority, legislative, executive, judicial, are derived from the people and the same shall be exercised in the Commonwealth of India through the organisations established by or under, and in due process of (words in the Report were "accord with") this constitution.

(ii) No person shall be deprived of his liberty, nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with law. All titles to private and personal property lawfully acquired and enjoyed at the establishment of the Commonwealth are hereby guaranteed. (Added by Lucknow Conference.)

(iii) Freedom of conscience and the free profession and practice of religion are, subject to public order or morality, hereby guaranteed to every person.

(iv) The right of free expression of opinion, as well as the right to assemble peaceably and without arms, and to form associations or unions, is hereby guaranteed for purposes not opposed to public order or morality.

(v) All citizens in the Commonwealth of India have the right to free elementary education without any distinction of caste or creed in the matter of admission into any educational institutions, maintained or aided by the state, and such right shall be enforceable as soon as due arrangements shall have been made by competent authority. Provided that adequate provision shall be made by the State for imparting public instruction in primary schools to the children of members of minorities of considerable strength in the population through the medium of their own language and in such script as is in vogue among them. (Added by Enlarged Committee.)

Explanation.—This provision will not prevent the State from making the teaching of the language of the Commonwealth obligatory in the said schools.

(vi) All citizens are equal before the law and possess equal civil rights.

(vii) There shall be no penal law whether substantive or procedural of a discriminative nature.

(viii) No person shall be punished for any act which was not punishable under the law at the time it was committed.

(ix) No corporal punishment or other punishment involving torture of any kind shall be lawful.

(x) Every citizen shall have the right to a writ of habeas corpus. Such right may be suspended in case of war or rebellion by an Act of the central legislature, or, if the legislature is not in session, by the Governor-General-in-Council, and in such case he shall report the suspension to the legislature, at the earliest possible opportunity for such action as it may deem fit.

(xi) There shall be no state religion for the Commonwealth of India or for any province in the Commonwealth, nor shall the state either directly or indirectly endow any religion or give any preference or impose any disability on account of religious belief or religious status.

(xii) No person attending any school receiving state aid or other public money shall be compelled to attend the religious instruction that may be given in the school.

(xiii) No person shall by reason of his religion, caste or creed be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling.

(xiv) All citizens have an equal right of access to, and use of, public roads, public wells and and all other places of public resort.

(xv) Freedom of combination and association for the maintenance and improvement of labour and economic conditions is guaranteed to everyone and of all occupations. All agreements and measures tending to restrict or obstruct such freedom are illegal.

(xvi) No breach of contract of service or abetment thereof shall be made a criminal offence.

(xvii) Parliament shall make suitable laws for the maintenance of health and fitness for work of all citizens, securing of a living wages for every worker, the protection of motherhood, welfare of children, and the economic consequences of old age, infirmity and unemployment and Parliament shall also make laws to ensure fair rent and fixity and permanence of tenure to agricultural tenants. (Added by Lucknow Conference.)

(xviii) Every citizen shall have the right to keep and bear arms in accordance with regulations made in that behalf.

(xix) Men and women shall have equal rights as citizens.

Note: Notwithstanding anything to the contrary in article (iv) the Sikhs are entitled to carry kirpans.

#### Language.

4. A. (This section has been added by the Enlarged Committee on the recommendation of the Lucknow Conference.) (i) The language of the Commonwealth shall be Hindustani which may be written either in Nagri or in Urdu character. The use of the English language shall be permitted.

(ii) In provinces, the principal language of a province shall be the official language of that province. The use of Hindustani and English shall be permitted.

#### Parliament.

5. The legislative power of the Commonwealth shall be vested in a Parliament which shall consist of the King, a Senate and a House of Representatives herein called the Parliament.

6. The Governor-General shall be appointed by the King and shall have, and may exercise in the Commonwealth, during the King's pleasure, but subject to this constitution, such powers and functions of the King as His Majesty may assign to him.

7. (a) There shall be payable to the King out of the revenues of India for the salary of the Governor-General an annual sum.....which, until the Parliament of the Commonwealth otherwise provides, shall be as in the schedule hereof provided.

(b) The salary of a Governor-General shall not be altered during his continuance in office.

8. The Senate shall consist of 200 members to be elected by the Provincial Councils, a specific number of seats being allotted to each province on the basis of population subject to a minimum. The election shall be held by the method of proportional representation with the single transferable vote.

9. The House of Representatives shall consist of 500 members to be elected by constituencies determined by law. Every person of either sex who has attained the age of 21, and is not disqualified by law, shall be entitled to vote.

Provided that Parliament shall have the power to increase the number of members from time to time if necessary.

10. (1) Every House of Representatives shall continue for five years from its first meeting and every Senate shall continue for seven years.

Provided that—

(a) either chamber of the legislature may be sooner dissolved by the Governor-General; and

(b) any such period may be extended by the Governor-General if in special circumstances he so thinks fit, and

(c) after the dissolution of either chamber the Governor-General shall appoint a date not more than six months after the date of dissolution for the next session of that chamber.

(2) \*A session of the Parliament shall be held at least once a year. (Added by the Enlarged Committee.)

(3) The Governor-General may appoint such times and places for holding the sessions of either chamber of the Indian Legislature as he thinks fit, and may also from time to time by notification or otherwise, prorogue such sessions.

(4) Any meeting of either chamber of the Indian Legislature may be adjourned by the person presiding.

(5) All questions in either chamber shall be determined by a majority of votes of members present, other than the presiding member who shall, however, have and exercise a casting vote in the case of an equality of votes.

(6) The powers of either chamber of the Indian Legislature may be exercised notwithstanding any vacancy in the chamber.

11. There shall be a president of each House of Parliament who shall be a member of the House and shall be elected by the House. There shall also be a deputy president of each House who shall also be a member of the House and be similarly elected.

12. The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Representatives and by the members thereof respectively shall be such as are from time to time defined by Act of Parliament of the Commonwealth.

13. Parliament shall, subject to and under (Added by enlarged Committee) the provisions of this Constitution, have power to make laws,

(a) for the peace, order and good government of the Commonwealth in relation to all matters not coming in the classes of subjects by this Act assigned to the legislatures of provinces;

(b) for the nationals and servants of the Commonwealth with other parts of India as well as those without and beyond India;

(c) for the government officers, soldiers, airmen and followers in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act or the Air Force Act, and

(d) for all persons employed or serving in or belonging to the Royal Indian Marine Service or the Indian Navy.

For greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that notwithstanding anything in this Act the legislative authority of the Parliament of the Commonwealth extends to all matters coming within the classes of subjects hereinafter enumerated and specified in Schedule I attached hereto.

13A. (This section has been added by the Enlarged Committee) (a). In cases of great emergency and in matters of controversies between provinces or a province and an Indian State the Central Government and the parliament have all the powers necessary and ancillary including the power to suspend or annul the acts, executive and legislative of a Provincial Government.

(b) The Supreme Court shall have no jurisdiction in cases where the Commonwealth Government or Parliament has acted in exercise of the powers under the preceding sub-clause.

14. The powers of Parliament with respect to foreign affairs, not including those Indian States, shall be the same as exercised by the self-governing dominions.

15. Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the chambers of the Indian Legislature, and as to the persons to preside at the meetings of the House of Representatives in the absence of the president and the deputy president; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules.

16. (i) Any bill which appropriates revenue or monies for the ordinary annual services of the Commonwealth Government shall deal only with such appropriations.

(ii) Bills imposing taxation shall deal only with the imposition of taxes, and any provision therein dealing with any other matter shall be of no effect.

(iii) Bills affecting the public debt or for the appropriation of revenues or monies or for imposing taxation shall be introduced only by a member of the executive council and can only originate in the House of Representatives.

17. A money bill means a bill which contains only provisions dealing with all or any of the following subjects, namely the imposition, repeal, remission, alteration or regulation of taxation; the imposition, for the payment of debt or other financial purposes, of charges on public revenues or monies, or the variation or repeal of any such charges; the supply, appropriation, receipt, custody, issue or audit of accounts of public money; the raising of any loan or the repayment thereof; or subordinate matters incidental to those subjects or any of them. In this definition the expression "taxation," "public money" and "loan" respectively do not include any taxation, money or loan raised by local authorities or bodies for local purposes.

18. The question whether a bill is or is not a money bill will be decided by the president of the House of Representatives.

19. A money bill passed by the House of Representatives shall be sent to the Senate for its recommendations and it shall be returned not later than.....days therefrom to the House of Representatives, which may pass it, accepting or rejecting all or any of the recommendations of the Senate; and the bill so passed shall be deemed to have been passed by both chambers.

20. (i) Subject to the provisions of this Act, a bill may be initiated in either House

of Parliament and, if passed by the originating House, shall be introduced in the other House for being passed.

(ii) Except as otherwise provided under this Act, a bill shall not be deemed to have been passed by Parliament unless it has been agreed to by both Houses, either without amendments or with such amendments only as may be agreed to by both Houses.

(iii) If any bill which has been passed by the House of Representatives is not, within six months after the passage of the bill by that House, passed by the Senate, either without amendments or with such amendments as may be agreed to by both Houses, the Governor-General shall on resolution passed by either House to that effect, refer the matter for decision to a joint sitting of both Houses. The members present at any such joint sitting may deliberate and shall vote together upon the bill as last proposed by the House of Representatives and upon amendments, if any, which have been made therein by one House of Parliament and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the Senate and the House of Representatives present at such sitting, shall be taken to have been duly passed by both Houses of Parliament.

21. (i) So soon as any bill shall have been passed, or deemed to have been passed by both Houses, it shall be presented to the Governor-General for the signification by him, in the King's name, of the King's assent, and the Governor-General may signify such assent or withhold the same or he may reserve the bill for the signification of the King's pleasure.

(ii) A bill passed by both Houses of Parliament shall not become an Act until the Governor-General signifies his assent thereto in the King's name, or in the case of a bill reserved for the signification of the King's pleasure, until he signifies by speech or message to each House of Parliament, or by proclamation that it has received the assent of the King in Council.

Provided that the Governor-General may, where a bill has been passed by both Houses of Parliament and presented to him for the signification by him of the King's assent, or has been reserved by him for the signification of the King's pleasure, return the bill for reconsideration by Parliament with a recommendation that Parliament shall consider amendments thereto.

(iii) Any bill so returned shall be further considered by Parliament together with the amendments, recommended by the Governor-General and if re-affirmed with or without amendments, may be again presented to the Governor-General for the signification in King's name of the King's assent.

#### The Commonwealth Executive.

22. The executive power of the Commonwealth is vested in the King and is exercisable by the Governor-General as the King's representative, acting on the advice of the Executive Council subject to the provisions of this Act and of the laws of the Commonwealth.

23. (a) There shall be an Executive Council consisting of the Prime Minister and, until Parliament otherwise provides, not more than six ministers of the Commonwealth.

(b) The Prime Minister shall be appointed by the Governor-General and the Ministers shall also be appointed by him on the advice of the Prime Minister.

(c) The Executive Council shall be collectively responsible to the House of Representatives (the word in the Report was "Legislature") for all matters concerning the department of the Commonwealth administered by members of the Executive Council and generally for all advice tendered by it to the Governor-General (added by the Enlarged Committee).

24. Until Parliament otherwise provides, the appointment and removal of all other officers of the executive government of the Commonwealth shall be vested in the Governor-General-in-Council, unless the appointment is delegated by the Governor-General-in-Council, or by a law of the Commonwealth, to some other authority.

25. The Commander-in-Chief of the military, naval and air forces of the Commonwealth is vested in the Governor-General as the King's representative.

#### High Commissioner and Foreign Representatives.

26. The Commonwealth shall have the power to appoint High Commissioner and other foreign representatives similar to that exercised by Canada and other dominions. Such appointments shall be made by the Governor-General in Council who shall also make provision by rules for their pay, powers and duties, and the conditions of employment.

## Financial Control.

27. (1) The Auditor-General in India shall be appointed by the Governor-in Council who shall by rules make provision for his pay, powers and duties, and the conditions of employment, and for the discharge of his duties in the case of a temporary vacancy or absence from duty.

(2) Subject to any rules made by the Governor-General in Council, no office may be added to or withdrawn from the public service and the emoluments of no posts may be varied except after consultation with such finance authority as may be designated in the rules, being an authority of the province or of the Commonwealth according as it is or is not under the control of a local Government.

## The Provincial Legislature.

28. The legislative power of a province shall be vested in the King and the local Legislative Council.

29. There shall be a Governor of every province who shall be appointed by the Governor-General-in-Council (the words in the Report were King and represent His Majesty in the Province.)

30. "The salaries of the Governors shall be fixed and provided by Parliament, and until so provided, shall be as in schedule....."

(The original clause was "There shall be payable to the King out of revenues of the province for the salary of the Governor an annual sum of.....which, until he Parliament of the Commonwealth otherwise provides, shall be as in Schedule.....heretof provided.")

31. (i) There shall be one member of the Provincial Legislative Council for every 1,00,000, of the population of the said province, provided that in provinces with a population of less than ten millions there may be a maximum of 100 members.

(ii) Every member shall be elected by a constituency determined by law. Every person of either sex who has attained the age of 21 and is not disqualified by law shall be entitled to vote.

32. (i) Every Provincial Council shall continue for 5 years from its first sitting provided that—

(a) it may be sooner dissolved by the Governor;

(b) the term of 5 years may be extended by the Governor if in special circumstances he so thinks fit;

(c) after the dissolution of the Council the Governor shall appoint a date not more than 6 months after the date of the dissolution, for the next session of the Council.

(ii) The Governor may appoint such times and places for holding the sessions of the Council as he thinks fit and may also from time to time, by notification or otherwise, prorogue such sessions.

(iii) Any meeting of the Council may be adjourned by the person presiding.

(iv) All questions in the Council shall be determined by the majority of votes of the members present, other than the presiding member, who shall however have and exercise a casting vote in the case of an equality of votes.

(v) The powers of the Council may be exercised notwithstanding any vacancy.

(vi) "A session of the Council is held at least once a year." Added by the Enlarged Committee.

33. There shall be a president of every Council who shall be a member of the House and shall be elected by the House. There shall also be a deputy president who shall also be a member of the House and be similarly elected.

34. The local legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good Government of the territories for the time being constituting that province. The legislative authority of every Provincial Council extends to all matters coming within the classes of subjects hereinafter enumerated and specified in Schedule II, attached hereto.

35. The local legislature of any province may repeal or alter, as to that province, any law relating to a provincial subject made ("either" omitted by the Enlarged Committee) before ("or after" omitted by the Enlarged Committee) the commencement of this Act by any authority in British India.

36. Any measure affecting the public revenues of a province, or imposing any charge on the revenue, shall be introduced only by a member of the Executive Council of the Governor.

37. When a bill has been passed by a local Legislative Council, the Governor may declare that he assents to or withholds his assent from the bill.

38. If the Governor withholds his assent from any such bill, the bill shall not become an Act.

39. If the Governor assents to any such bill, he shall forthwith send an authentic copy of the Act to Governor-General, and the Act shall not have validity until the Governor-General has assented thereto and that assent has been signified by the Governor-General to, and published by the Governor.

40. Where the Governor-General withholds his assent from any such Act, he shall signify to the Governor in writing his reason for so withholding his assent.

41. When an Act has been assented to by the Governor-General it shall be lawful for His Majesty in Council to signify his disallowance of the Act.

42. Where the disallowance of an Act has been so signified, the Governor shall forthwith notify the disallowance, and thereupon the Act, as from the date of the notification shall become void accordingly.

#### The Provincial Executive.

43. The executive power of the province shall be vested in the Governor, acting on the advice of the provincial Executive Council.

44. There shall be an Executive Council for every province consisting of not more than five ministers appointed by the Governor.

45. In appointing the Executive Council the Governor shall select the Chief Minister and appoint others only on his advice.

#### The Judiciary.

46. There shall be a Supreme Court which shall exercise such jurisdiction as Parliament shall determine. The Supreme Court shall consist of a Lord President, and as many other Justices, as Parliament may fix.

47. The Lord President of the Commonwealth and all other Judges of the Supreme Court of the Commonwealth to be appointed after the establishment of the Commonwealth shall be appointed by the Governor-General-in-Council, and shall receive such remuneration as Parliament shall prescribe, and their remuneration shall not be "altered" (word in the Report was "diminished") during their continuance in office.

48. The Lord President of the Commonwealth and other judges of the Supreme Court of the Commonwealth shall not be removed from office except by the Governor-General-in-Council on an address from both Houses of Parliament in the same session praying for such removal on the ground of misbehaviour or incapacity.

49. The Supreme Court shall have original jurisdiction in all matters—

(i) referred to the Supreme Court by the Governor-General-in-Council under section 85 ;  
(ii) in which the Commonwealth, or person suing or being sued on behalf of the Commonwealth, is a party ;

(iii) affecting consuls or other representatives of other countries ;

(iv) between provinces ;

(v) arising under this Constitution or involving its interpretation.

50. The Supreme Court shall have jurisdiction, with such exceptions and subject to such regulations as Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders and sentences—

(a) of any Justice or Justices exercising the original jurisdiction of the Supreme Court ;

(b) of the High Court "of any province" omitted or of any other court from which at the establishment of the Commonwealth an appeal lies to the King in Council.

51. The judgment of the Supreme Court in all such cases shall be final and conclusive and shall not be reviewed or be capable of being reviewed by any other court, tribunal or authority whatsoever.

#### Appeals to the King in Council.

52. (i) No appeal shall be permitted to the King in Council from a decision of the Supreme Court upon any question however arising, as to the limits "inter se" of the constitutional powers of Commonwealth and those of any province or provinces, or as to the limits "inter se" of the constitutional powers of any two or more provinces, unless the Supreme Court shall certify that the question is one which ought to be determined by the King in Council.

(ii) The Supreme Court may so certify if satisfied that for any special reason the certificates should be granted and thereafter an appeal shall lie to the King in Council on the question without further leave.

(iii) Parliament may make laws limiting the matters in which such leave may be asked, provided that such laws do not impair any right which the King may be pleased

to exercise by virtue of his royal prerogative to grant special leave of appeal from the Supreme Court to the King in Council.

### High Courts—Constitution.

53. The High Courts referred to in this Act are the High Courts of Judicature for the time being established in British India.

54. Each High Court shall consist of a chief justice and as many other judges as the Governor-General-in-Council may think fit to appoint. Provided as follows:—

(i) The Governor-General-in-Council may appoint persons to act as additional judges of any high court, for such period, not exceeding two years, as may be required; and the judges as appointed shall, while so acting, have all powers of a judge of the high court appointed by the Governor-General-in-Council;

(ii) the maximum number of judges of a High Court including the Chief Justice and additional judges shall be 20.

55. A judge of a high court must be an advocate on the rolls of a high court of not less than ten years' standing, provided that nothing herein contained shall affect the continuance of the tenure of office of the judges who may be holding appointments at the commencement of this Act.

56. (i) Every judge of a high court shall hold office during his good behaviour.

(ii) Any such judge may resign his office to the local Government.

57. The Chief Justice and other judges of the high court shall not be removed from office except by the Governor-General-in-Council on an address (words in the Report were "by the provincial legislature") from both the Houses of Parliament in the same session, praying for such removal on the ground of misbehaviour or incapacity.

58. (i) The Governor-General in Council may fix the salaries, allowances, furloughs retiring pensions, and may alter them, but any such alteration shall not affect the salary of any judge appointed before the date thereof.

(ii) The remuneration fixed for a judge under this section shall commence upon his taking upon himself the execution of his office.

59. (i) On the occurrence of a vacancy in the office of chief justice of a high court, and during any absence of such a chief justice, the local government shall appoint one of the other judges of the same high court to perform the duties of chief justice of the court, until some person has been appointed by the Governor-General to the office of chief justice of the court, and has entered on the discharge of his duties of that office, or until the chief justice has returned from his absence, as the case requires.

(ii) On the occurrence of a vacancy, in the office of any other judge of a high court, and during any absence of any such judge, or on the appointment of any such judge to act as chief justice, the local government may appoint a person with such qualifications as are required in persons to be appointed to the high court; and the person so appointed may sit and perform the duties of a judge of the court, until some person has been appointed by the Governor-General in-Council to the office of judge of the court and has entered on the discharge of the duties of the office, or until the absent judge has returned from his absence, or until the local government sees cause to cancel the appointment of the acting judge.

60. (i) The several high courts are courts of record and have such jurisdiction, original and appellate, including admiralty jurisdiction in respect of offences committed on the high seas, and all such powers and authority over or in relation to the administration of justice, including power to appoint clerks and other ministerial officers of the court, as are vested in them by letters patent, and subject to the provisions of any such letters patent, all such jurisdiction, powers and authority as are vested in those courts respectively at the commencement of this Act.

(ii) The letters patent establishing, or vesting jurisdiction, power, or authority, in a high court may be amended from time to time by a further letters patent.

61. Each of the high courts has superintendence over all courts for the time being subject to its appellate jurisdiction, and may do any of the following things that is to say—

(a) call for returns;

(b) direct the transfer of any suit or appeal from any such court to any high court of equal or superior jurisdiction;

(c) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts;

(d) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts; and

(e) settle tables of fees to be allowed to the sheriff, attorneys, and all clerks and officers of courts;



Provided that such rules, forms and tables shall not be inconsistent with the provisions of any law for the time being in force, and shall require the previous approval of the local Government.

62. (i) Each high court may, by its own rules, provide as it thinks fit for the exercise, by one or more judges of the high court, of the original and appellate jurisdiction vested in the court.

(ii) The Chief Justice of each high court shall determine what judge in such case is to sit alone, and what judges of the court, whether with or without the chief judge, are to constitute the several division courts.

63. The Governor-General-in-Council may, by order, transfer any territory or place from the jurisdiction of one to the jurisdiction of any other of the high courts, and authorise any high court to exercise all or any portion of its jurisdiction in any part of British India not included within the limits for which the high court was established, and also to exercise any such jurisdiction in respect of any British subject for the time being within any part of India outside the Commonwealth.

64. (a) The Governor-General, each Governor, each of the members of the Executive Council, whether in the Commonwealth or in the provinces, shall not be subject to the original, appellate or revisional jurisdiction of any high court, by reason of anything counselled, ordered or done by any of them, in his public capacity only.

(b) The exemption shall extend also to the chief justices and other judges of the several high courts.

65. The Governor-General-in-Council may, if he sees fit, by letters patent, establish a high court of judicature in any territory in the Commonwealth, whether or not included within the limits of the local jurisdiction of another high court, and confer on any high court so established, any such jurisdiction, powers and authority as are vested in or may be conferred on any high court existing at the commencement of this Act; and, where a high court is so established in any area included within the limits of the local jurisdiction of another high court, the Governor-General may, by letters patent, alter those limits, and make such incidental, consequential and supplemental provisions as may appear to be necessary by reason of the alteration.

#### Advocate-General.

66. The local government may appoint an advocate general for each of the provinces and may, on the occurrence of a vacancy in the office of advocate general, or during any absence or deputation of an advocate general, appoint a person to act as advocate general; and the person so appointed may exercise the powers of an advocate general until some person has been appointed by the Governor-General-in-Council and has entered on the discharge of his duties or until the advocate general has returned from his absence or deputation, as the case may be, or until the local government cancels the local appointment.

#### Property, Revenue and Finance.

67. All property vested in, or arising or accruing from property or rights vested in, His Majesty or the Secretary of State in Council under the Government of India Act, 1858, 1915 and 1919 shall vest in the Governor-General-in-Council.

68. The revenues of India shall vest in the Governor-General-in-Council and shall, subject to the provisions of this Act, be applied for the purposes of the Commonwealth alone.

69. The expression "the revenues of India" in this Act shall include all the territorial and other revenues of or arising in British India, and in particular,—

(i) all tributes and other payments in respect of any territories which would have been receivable by or in the name of the East India Company if the Government of India Act, 1858, had not been passed; and

(ii) all fines and penalties incurred by the sentence or order of any court of justice in British India, and all forfeitures for crimes of any movable or immovable property in British India; and

(iii) all movable or immovable property in British India escheating or lapsing for want of an heir or successor and all property in British India devolving as bona vacantia for want of a rightful owner.

70. Parliament shall establish a Railway and Harbour Fund into which shall be paid all revenues raised or received by the Governor-General-in-Council from the administration of railways, post and harbours, and such fund shall be appropriated by Parliament to the purpose of railways, posts and harbours, on such conditions and in such manner as it may prescribe. There shall also be formed a consolidated revenue fund into which shall be paid all other revenues raised or received by the Governor-General-in-Council and

uch fund shall be appropriated by Parliament for the purpose of the Commonwealth in the manner prescribed by this Act or by rules made in that behalf and subject to the charges imposed thereby.

71. There shall be charged on the revenues of India alone—

(a) all the debt of the East India Company; and

(b) all sums of money, costs, charges and expenses which, if the Government of India Act, 1915, as amended by the Government of India Act 1919 or this Act had not been passed, would have been paid by the East India Company out of the revenues of India in respect of any treaties, conventions, contracts, grants or liabilities existing at the commencement of this Act; and

(c) all expenses, debts and liabilities lawfully contracted and incurred on account of the Government of India; and

(d) all other charges and payments under this Act (except so far as is otherwise provided under this Act)

72. (i) As soon as may be after the establishment of the Commonwealth the Governor-General-in-Council shall appoint a Commission consisting of one representative from each province and.....representatives of the Government of the Commonwealth, and presided over by an officer of the Commonwealth, to institute an enquiry into (a) the sources of revenue which may be assigned to the Government of the Commonwealth and to the Governments of the provinces respectively with due regard to the efficient administration and development of the services or subjects under the respective control of either, and (b) the financial relations which should exist between the Governments of the Commonwealth and the Governments of the provinces, and (c) for the means to be adopted for giving effect to such relations.

(ii) The said Commission shall appoint a committee to examine the whole question of the training of officers for the land, naval and air forces of the Commonwealth and the establishment of the requisite number of schools and colleges for military instruction.

(iii) The committee so appointed shall report to the Commission about the requisite number of such schools and colleges and their staff, the places where they are to be established and the standard of instruction to be imparted in each, and an estimate of the initial and maintenance cost of the said schools and colleges.

(iv) The said Commission shall also appoint a committee to investigate and report on the steps to be taken for the introduction of general primary education in the Commonwealth and the affording of special educational facilities for backward classes.

(v) The said Commission shall have the power to appoint such other committees as it may consider necessary, for the purposes of its inquiry.

(vi) The said Commission shall, in conformity with the principles of this Constitution and with the assistance of such Committee or committees as it may consider desirable to appoint:

(a) take all necessary steps to constitute Karnataka and Andhra into separate provinces;

(b) take steps to amalgamate the Oriya speaking tracts in the different provinces and constitute this amalgamated area into a separate province if the people of that area are able or are prepared to bear the financial burden which is incidental to separation;

(c) report on the cases of C. P. Hindustani, Kerala and any other linguistic areas which may desire to be constituted into separate provinces;

(d) re-settle the boundaries of Assam and Beogal, Behar and Orissa and C. P. Hindustani, Kerala and Karnataka in accordance with the principles recommended by the Committee.

(This clause has been added by the Lucknow Conference).

(vii) The said Commission shall report to the Governor-General-in-Council on matters recommended in clause (i), and shall make special recommendations fixing minimum charges on the revenues of the Commonwealth and the provinces for the purposes mentioned in (ii), (iii) and (iv).

73. The Governor-General-in-Council shall lay the entire report of the Commission together with his recommendations before Parliament for such legislative or other action as it may deem fit.

74. Pending the completion of the said enquiry, and until Parliament has taken action under clause 68, the existing sources of revenue and the financial relations shall continue to be in force.

#### Defence.

75. (a) The Governor-General-in-Council shall appoint a Committee of Defence consisting of (1) the Prime Minister, (2) the Minister of Defence, (3) the Minister of Foreign

Affairs, (4) the Commander-in-Chief, (5) the Commander of the Air Forces, (6) the Commander of the Naval Forces, (7) the Chief of the General Staff and two other experts.

(b) The Prime Minister shall be the chairman of the committee, and there shall be a permanent staff including a secretary attached to this committee.

(c) The functions of this committee shall be to advise the Government and the various departments concerned with questions of defence and upon general questions of policy.

(d) As soon as the committee is appointed the Governor-General-in-Council may take the advice of the Committee of Defence as to the practicability and means of effecting a retrenchment in the expenditure on defence compatibly with the safety of India. The estimates shall be framed according to the recommendations of the committee.

76. The proposals of the Governor-General-in-Council for the appropriation of revenues or monies classified as "Defence," shall be submitted to the vote of the House of Representatives.

77. Notwithstanding anything to the contrary in the foregoing provisions, the Governor-General-in-Council may, in the event of any foreign aggression on India by land, air or sea, or upon his being satisfied that there is a reasonable apprehension of such aggression, authorise such expenditure as may be necessary for the safety of British India or any part thereof. Such action taken by the Governor-General shall be reported by him immediately to the Legislature, if in session, or if the Legislature is not in session, to a special session to be summoned as soon as possible thereafter.

78. No measure affecting the discipline or maintenance of any part of the military, naval and air forces of the Commonwealth, shall be introduced in Parliament except on the recommendation of the Committee of Defence appointed under this constitution.

#### The Civil Services.

79. Subject to the provisions of the next succeeding section, all officers of the public services shall, at the establishment of the Commonwealth, become officers of the Commonwealth.

80. As soon as possible after the establishment of the Commonwealth, the Governor-General-in-Council shall appoint a Public Service Commission to make recommendations for such reorganisation and re-adjustment of the departments of the public services as may be necessary.

81. Parliament may make laws for regulating the classification of the civil services in India, the sources and methods of their recruitment, the conditions of service, pay and allowances, and discipline and conduct. Parliament may also, to such extent and in respect of such matters as it may prescribe, delegate the power of making rules under the said laws to the Governor-General-in-Council or to local Governments.

82. (i) After the establishment of the Commonwealth the Governor-General-in-Council shall appoint a Permanent Public Service Commission with such powers and duties relating to the recruitment, appointment, discipline, retirement and superannuation of public officers as Parliament shall determine.

(ii) Members of the Permanent Public Service Commission shall hold office for five years from the date of appointment.

83. Any officer of the public services who desires to retire within three years of the establishment of the Commonwealth, or is not retained in the service of the Commonwealth, shall be entitled to receive such pension, gratuity or other compensation as he would have received in like circumstances if the Commonwealth had not been established.

#### The Army Services.

84. All officers, British and Indian, serving in the army, the navy, the Royal Indian Marine, or the Air Force of India, serving in India at the commencement of the new constitution, shall retain all their existing rights as to salaries, allowances or pensions or shall receive such compensation for the loss of any of them, as the Governor-General-in-Council may consider just and equitable, or as they would have received in like circumstances if the Commonwealth had not been established.

Further all such officers, British or Indian, who were in receipt of pensions at the date of the commencement of the new constitution, shall continue to receive the same pension from the revenues of India.

#### Indian States.

85. The Commonwealth shall exercise the same rights in relation to, and discharge the same obligations towards, the Indian States, arising out of treaties of otherwise, as the Government of India has hitherto exercised and discharged.

In case of any difference between the Commonwealth and any Indian State on any matter arising out of treaties, engagements, sanads or (substituted for "similar" "any")

other documents the Governor-General-in-Council may, with the consent of the State concerned, refer the said matter to the Supreme Court for its decision.

### New Provinces.

86. The re-distribution of provinces should take place on a linguistic basis on the demand of the majority of the population of the area concerned, subject to financial and administrative considerations.

### Amendment of the Constitution.

87. Parliament may, by law, repeal or alter any of the provisions of the constitution. Provided that the bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together and at the third reading shall be agreed to by not less than (The words in the Report, were "two-thirds of the total number of the members of both Houses") "four-fifths of those present." A bill so passed at such a joint sitting shall be taken to have been duly passed by both Houses of Parliament.

**NOTE:—**The following are the recommendations on communal and other controversial matters.

### Communal Representation.

I. There shall be joint mixed electorates throughout India for the House of Representatives and the provincial legislatures.

II. There shall be no reservation of seats for the House of Representatives except for Muslims in provinces where they are in a minority and non-Muslims in the N. W. F. Province. Such reservation will be in strict proportion to the Muslim population in every province where they are in minority and in proportion to the non-Muslim population in N. W. F. Province. The Muslims or non-Muslims where reservation is allowed to them shall have the right to contest additional seats.

### III. In the provinces

(a) there shall be no reservation of seats for any community in the Punjab and Bengal "provided that the question of communal representation will be open for reconsideration if so desired by any community after working the recommended system for 10 years, (added by Lucknow Conference).

(b) in provinces other than the Punjab and Bengal there will be reservation of seats for Muslim minorities on population basis with the right to contest additional seats.

(c) in the N. W. F. Province there shall be similar reservation of seats for non-Muslims with the right to contest other seats.

IV. Reservation of seats, where allowed, shall be for a fixed period of ten years. "Provided that the question after the expiration of that period if so desired by any community.

### Redistribution and status of provinces.

V. Simultaneously with the establishment of Government under this constitution Sind shall be separated from Bombay and constituted into a separate province. (This has been substituted by the Lucknow Conference for the following:—"Sind should be separated from Bombay and constituted into a separate province after such enquiry about the financial position as may be considered necessary."

Provided.

(1) after an enquiry it is found

(a) that Sind is financially self-supporting, or

(b) in the event of its being found that it is not financially self-supporting, on the scheme of separation being laid before the people of Sind with its financial and administrative aspects, the majority of the inhabitants favour the scheme and express their readiness to bear the financial responsibility of the new arrangement,

(2) that the form of Government in Sind shall be the same as in the other provinces under the constitution:

(3) that the non-Muslim minority in Sind shall be given the same privileges in the matter of representation in the Provincial and Central Legislatures as the Muslim minorities are given under this constitution in areas where they are in a minority."

VI. Original clause VI about Karnataka has been omitted as a provision about the same has been made in clause VI of section 72, and clause VII has been remembered as clause VI. The N. W. F. Province, "Baluchistan," (added by Lucknow Conference) and all newly formed provinces by separation from other provinces, shall have the same form of government as the other provinces in India.

# The All-Parties Convention.

OPENING DAY—22ND DECEMBER 1928.

It was in an atmosphere of serenity and solemnity that the All-Parties Convention met on Saturday the 22nd December 1928 in the afternoon at the Convention Pandal in the Congress Nagar, Calcutta. It was a representative gathering. Congressmen and Liberals, Hindu Mahasabhaites and Muslim Leaguers, representatives of Labour and the Press—all met together on a common platform. It is impossible to conceive at the present day in India a more representative and distinguished gathering of the leaders and intelligentsia of the country than that which assembled at the Convention pavilion. From the most advanced wing of the Congress to the most moderate groups of politicians that have ever taken part in the public affairs of the country during the past forty years, there were representatives who had mustered in strong numbers. All political and communal parties that have taken part in the public life of the country were represented by men both in their individual and collective capacities. The three speeches delivered on the opening day were conceived in the best spirit and were well received by the House which appeared to be alive to the responsibilities of the great and critical situation that confronted it.

The seating arrangements too, unlike in the Congress pandal, eliminated squatting and provided chairs for all the delegates. The visitors were all provided seats on benches, and the entire seating accommodation was for 3,000, half being for delegates.

Moulana Mahomed Ali was the first to enter the Convention pandal, but he came in his Congress capacity and not as a Khilafatist as the Central Khilafat Committee was still considering whether to take part in the Convention proceedings.

## The Hindu Mahasabha Attitude.

The Hindu Mahasabhaites were active in distributing pamphlets and appeals against the revision of the Lucknow All-Parties Settlement. Pandit Deva Ratna Sharma, Secretary, All-India Hindu Mahasabha, was circulating extracts from the presidential address of Lala Lajpat Rai at the Etawah Hindu Conference last October with a covering letter declaring that two days before Lalaji died, he had asked Pandit Deva Ratna to send these extracts to the leading Hindus of India before the All-Parties Convention and the Congress met to consider the Nehru Report finally. Some members of the Hindu Mahasabha were organising support for the view which the Hindu Mahasabha's Working Committee had taken by its resolution to the following effect which it passed on the 21st December: "This meeting of the Working Committee while reaffirming the points as defined in the resolution of the eleventh session of the Hindu Mahasabha held at Jubbulpore for incorporation into the future Swaraj Constitution of India and the statement that was submitted to the All-Parties Conference in its meeting held at Lucknow in August last, puts on record its considered opinion that the agreements that were solemnly entered into at the Lucknow All-Parties Conference between the Hindus and the Muslims of Sind, Punjab

and Bengal for the final solution of the communal differences in respect of the drafting of the Swaraj Constitution should not be reopened for revision, but be accepted as such."

### The Khilafatists' Attitude.

The Khilafatists, on the other hand, though they kept away from the Convention on the first three days stood for the Madras Congress Resolution as modified by the proposal that no one be declared elected unless he had secured one-third of the votes of his community and one-fifth of those of others.

The Muslim Leaguers outside those committed to the Nehru Report were not yet settled about their plans.

The Liberals, headed by Sir Tej Bahadur Sapru, Dr. Besant and Mr. Chintamani, were well represented and came with a determination to throw in their weight to the solution of the difficult problems facing the Convention.

On the dais were seated in rows Pandit Madan Mohan Malaviya, Pandit Matilal Nehru, Dr. M. A. Ansari, Sj. J. M. Sen-Gupta, Sj. M. R. Jayakar, Maulana Abul Kalam Azad, Maulana Mahomed Ali, Dr. Annie Besant, Raja of Mahmudabad, Sir Tej Bahadur Sapru, Sir C. P. Ramaswami Iyer, Sj. Ram Chandra Rao, Sj. Srinivasa Iyengar, Dr. B. S. Moonji, Sir Ali Imam, Sir Dev Prosad Sarbadhikari, Sj. C. Vijayaraghavachariar and Sj. Bepin Chandra Pal.

### Delegates and Visitors.

Among the distinguished delegates and visitors present in the Convention pandal were :—Mrs. Matilal Nehru, Begum Mahomed Ali, Mrs. Kamini Roy, Mrs. Sarala Devi, Mrs. Jahawarlal Nehru, Sir P. C. Roy, Maulana Yakub Hossain, Dr. Kitchlew, and Sir Nilratan Sarker, Messrs. C. N. Muthuranga Mudaliar, C. Y. Chintamani, V. V. Jogiah, B. Sambamurthy, Dr. Pattabhisitaramaya, Bhagawan Das, Govinda Das, Nilkanta Das, Rev. B. A. Nag, B. Das, Pandit Jahawarlal Nehru, S. Satyamurthi, Subhas Chandra Bose, Monilal Kothare, S. N. Haji, A. Rangaswami Iyenger, Habib Abdul Bari, T. Prakasham, T. R. Phookan, Sarat Chandra Bose, J. L. Banerji, B. K. Basu, B. K. Bose, Krisnakumar Mittra, Satyaranjan Bakshi, Akhil Chandra Dutt, Rai Saheb Chandrika Prasad, Dr. J. M. Das-gupta, Dr. B. C. Roy, Kumar Rananjay Sing, K. C. Neogi, P. K. Chakrabarti, Mrinal Kanti Bose, B. Siva Rao, Shah Mahomed Zabair, Hazi Abdulla Haroon, Jamnadas Mehta, D. C. Ghosh, J. N. Bose, N. C. Chunder, Perumal Naidu, R. K. Shunmukham Chetti, Abdul Matin Chowdhury, J. Chowdhury, M. S. Aney, D. N. Roy, Devendralal Khan, K. S. Roy, Satyananda Bose, Lalit Mohan Das and Madan Mohan Burman.

The following organisations were invited to the National Convention with the number of delegates each was entitled to send :—

Political :—Members of the Central and Provincial Legislatures—(Number of delegates) —470. Members of the All-India Congress Committee—360, All-India National Liberal Federation—40, General Council of All-Burmese Association—25, Home Rule League—15, Indian Association (Calcutta)—15, Bombay Presidency Association—10, Madras Mahajan Sabha—5, Surma Valley Conference—5, Assamese Saurakhini Sabha (Gauhati)—5, Deccan Sabha (Poona)—5, Assam Association (Gauhati)—3, Sindh National League—3, Sarva-janik Sabha (Poona)—3, Yeotmal Association—2, Arya Swaraj Sabha—2, Swadhin Bharat Sangha—2, Karnatak Unification Sabha—2, Indian Nationalist Party (Calcutta)—2.

Trade Union and Peasants' Organisation :—All-India Trade Union Congress (Bombay) —50, All-India Viswakarma Liberal Federation (Vijlanagram)—5, Communist Party

(Bombay)—5, Workers' and Peasants' Party—5, Behar Provincial Kisan Sabha (Muzaffarpur)—3, U. P. Kisan Sabha—2.

Commercial Organisations:—Southern India Chamber of Commerce—4, Maharashtra Chamber of Commerce—5, Bengal National Chamber of Commerce—5, Indian Chamber of Commerce (Burma)—3, Indian Merchants Chamber (Bombay)—3, Shri Mahajan Sabha (Bombay)—2.

Landholders Organisations:—Madras Landholders Association—3, Coorg Landholders Association—3, Behar Landholders Association—3, Agra Landholders Association—3, Bengal Landholders Association—3, British Indian Association of Oadh (Lucknow)—3.

Indian States Organisations:—Indian States People Conference—10, Indian States Subjects Association (Ahmedabad)—10, Indian States Subjects Conference (Madras)—10, Daxni Sanathan Hitvardhak Sabha (Poona)—10, Rajasthani Seva Sangha (Ajmere)—5.

Women's Organisation:—Women's Indian Association (Madras)—50.

Communal Organisations:—Hindu Mahasabha—100, All-India Muslim League—50, The Central Khilafat Committee—50, The Central Sikh League—30, All-India Conference of Indian Christians—25, South Indian Liberal Federation—25, Zoroastrian Association—10, Bombay Non-Brahman Party—10, All-India Shia Conference—10, Indian Christian Association (Bengal)—5, Anglo-Indian Association—5, Parsi Rajkeya Sabha (Bombay)—5, Parsi Central Association—5, Namdhari Darbar—Bhaini Sahib—5, North-West Frontier Muslim Association—5, Mazdayasni Mandal—2, All-India Ahle Hadis—2, Sanatan Dharma Pratidinhi Sabha (Punjab)—2, Hindu League (Sukkur, Sindh)—2, Mahavir Dal (Punjab)—2, Anglo-Indian League—2, Hindu Samaj Hitrakshak Committee (Bombay)—1.

Religious and Social Reform Organisations:—Jamiatul Ulama—10, All-India Aryan League—10, Bengal Social Reform League—3, Hindu Mission—2, Ahmadian community—2, Achut Udhar Committee—2, Shardhanand Dalit Udhar Sabha—2, Bazm-e-Soofia—2, All-India Shuddhi Sabha—2.

Backward Classes:—Dravida Mahajan Sabha (Madras)—15, Dayanand Dalitudbhar Mandal—2, Bengal Namashudra Association—5.

Miscellaneous Organisations:—Journalist Association of India (Bombay)—10, Servants of the People Society (Lahore)—1, Thulva Mahasabha Udupi—3.

### Sj. Sen Gupta's Speech of Welcome.

Welcoming the delegates, Mr. J. M. Sen Gupta said:—

Members of the Convention,

I wish that the duty of welcoming this Convention had fallen on shoulders other than mine. Here in this Pandal are gathered together the very finest men that our country has produced: there are men who had fought many a battle; who had never shirked the call of duty, and who have made their country's cause the be-all and end-all of their existence.

To welcome you to your self-imposed task, I feel almost a presumption on my part, but I am heartened by the thought that I have the whole of Bengal behind me in according to you a most cordial welcome.

The search for unity has been with us a long and strenuous process; and, if I may be permitted to say, Bengal has generously contributed her share in this process. It was late Surendra Nath Banerji (Cheers) who gave our political efforts an all-India character, it was the revolutionaries of Bengal who translated Bankim Chandra's "Bande-Mataram" into an All-India national anthem; lastly, it was our revered leader Deshbandhu (Applause), who, aided and inspired by Mahatma Gandhi for long years led the All-India struggle against the de-facto Government of this country.

Friends, in truth, if any province has risen above provincialism, above provincial interest and prejudice, Bengal may well claim to have achieved this. Bengal, therefore, feels supremely happy that her capital city has been selected as the forum for the deliberations of this All-Parties Conference. The object for which Deshbandhu worked till he laid down his life, I believe, is nearing completion. "Take care of the end, and the means will take care of themselves." I think this was the motto in his life,

and I have no doubt that the same motive will guide us in our deliberations for unity throughout this Convention.

There is one man whom we grievously miss to-day and I need hardly mention his name. The Lion of the Punjab sleeps. He did his share of the work, as in life, as in death, but he left his work unfinished. Let us mourn of him by taking up the work where he left it and in doing so show our respect to his advice and suggestion.

#### An Infamous Hint.

Friends, why are we met here to-day? It has been said to prepare a memorandum for what has come to be known as the Simon Commission. A more infamous and unfounded charge or insinuation could never have been made. We are met here to-day to draw up a constitution for ourselves to settle our own differences in order that we might stand as one body against our common enemy. We are here to discover a formula which will substitute our divergency and enable us to carry on the struggle against the foreign government. The Simon Commission, I firmly believe, is in the nature of an offensive launched by the British people to scatter our forces, to expose our differences and, if possible, to make it difficult for us to fight them as one united nation. We must anticipate this offensive and before it is really on us we must pull ourselves together and remove what might make for friction and disunion. The Nehru Report is before you and I submit it to your consideration.

#### The Nehru Report.

Friends, it has been said that this constitution which is embodied in the Nehru Report is an imitation of the English or the western constitution. I deny the charge. It may be that in certain matters, in certain formalities, the constitution that you are going to consider is an imitation. There are certain formalities which have been accepted in the constitution, but the two main principles upon which this constitution is based are:—(1) of elective system and (2) of the system of federal government. So far as the principle of election is concerned, I need not tell you, that from the ancient time the principle of election, government by election, has been known in India in our village life. That is not borrowed from any western country. So far as the constitution of a federal nature is concerned, can anyone in his senses charge us with the accumulated experience of the modern time if we apply this principle in evolving our own constitution?

#### Case of Japan.

Japan and other countries have copied the American form of constitution. The real thing we have done is to apply the modern experience and the old principle to the actual realities of Indian situation. India's problem has been faced with the modern experience and the old principle for the purpose of evolving our constitution. Nowhere in the world had there been such an attempt at constitution making as you are doing this afternoon and for the days to follow.

The English people charge us that we are not united. They tell us that in their country they have evolved their constitution on the will of the people. May I ask them one question? When a few barons of their country extracted the Magna Charta from the unwilling hand of King John, was the populace behind them? Again, may I remind them that so far as the French constitution after the Revolution is concerned, that



it was also the result of the activities of the Left Wing of the people of France. Nowhere in the world have we seen and are we likely to see in future a constitution which is framed by every class of people making the body politic. The Hindus and Mahomedans, the classes and the masses, the peasants' representatives, representatives of men with vested interests, conceivable community, every conceivable party making the community is represented here this afternoon. Nowhere in the world would you see such a body which represents every strata of society. Therefore I say, that so far as the constitution is concerned, it is going to be considered by the representatives of all the different classes of people of the country and for that reason it has the sanction of the masses behind it which could not be conceived in any other constitution of any other country.

I welcome you, friends to this city of mine and hope your deliberations would end in a united formula which would be a national asset in our country.

#### Dr. Ansari's Address.

Dr. Ansari then delivered the following Presidential speech :—

Brother delegates of the Indian National Convention,

The All-Parties Convention meets under the shadow of a national bereavement. Lala Lajpat Rai's life was one continuous epic of courageous self-sacrifice in the cause of the country, which fittingly enough, was ultimately crowned with a glory which is the pride of every patriot. The loss to the country and specially to the All-Parties Conference which during the closing days of his life, he was serving so efficiently through the membership of the enlarged Nehru Committee is irreparable. Although he did not live to see the fruition of the work let us hope that we will prove ourselves worthy of the departed patriot by completing it here, for this is the best tribute that we who are delegates to this Convention can pay to his memory.

#### To Take Final Decision.

We have assembled in this National Convention to take a final decision on behalf of the whole country in regard to India's Constitution for the immediate future as drawn up by the Nehru Committee. We have all had sufficient opportunity to consider it carefully and I am glad to say that the country has on the whole used the opportunity in a manner which is gratifying to every well-wisher of India and specially to the members of the Committee. I do not suggest that the country found the draft to be perfect in every respect. It is not so and it does not claim to be the last word on Indian constitution for all time, as the distinguished authors themselves have pointed out. The proposed constitution is nothing more, but it is also nothing less, than the greatest common factor of agreement among the well recognised political parties of India and it is to be viewed not as a remote stage of our evolution but as the next immediate step.

Criticism was to be expected. We are all aware of the controversy that has raged in the country round the question of Dominion Status as recommended by the Committee. We have also had, I am afraid, a little more than enough of discussion regarding the rights of minorities. Such instances can be multiplied to show that there is no unanimous acceptance of all the individual recommendations of the Nehru Committee, as separate and entirely unrelated entities. But, and this is what I want to stress as earnestly as I can, there are very few people in the country who are opposed, because they disagree

with an article here or an article there, to the constitution as a whole as the next immediate step. This is enough and the authors themselves did not expect anything more. Indeed, in my humble view, this is the whole justification of the draft constitution.

### The Draft.

Looking at the matter from this point of view, I am not surprised that there should have been, throughout the country, able criticisms and equally able defence, of the goal which the Nehru Committee seeks to achieve in the name of all the parties, moderate and extremist alike. At one stage, there was, I confess, a danger of the controversy taking a rather serious turn. But this danger was promptly warded off, thanks to the patriotism and statesmanship of the leaders of differing schools of thought. This was to be expected because the Nehru Committee draft, although it deals, as it must have dealt by virtue of the very "*raison d'être*" of the Committee, with the minimum, has not deprived anybody of persons from working for the maximum. That is why I, at any rate, as a member of the Indian National Congress owing allegiance to its goal of complete national independence, am prepared to give my support to the recommendations. I welcome the minimum in the first place because my own ideal is not thereby lowered, and secondly because by doing so, I am helping to secure a united backing for the sanctions that may be devised in order that India may win her freedom.

I appeal to Congressmen who believe in independence to consider the question in this perspective. By accepting the draft we do not lose anything but we gain much.

### Rights of Minorities.

The recommendations regarding the communal problem have been subjected to a close examination which is admirable. But they have sometimes aroused in certain quarters a protest which I venture to say is based on ignorance of the real import of the recommendations and on a confusion of the rights of minorities with the principles of representation. Nobody can deny that minorities have their rights and these rights have been protected in other countries of the world. The draft constitution, I will venture to say, gives to the minorities of India more real and more solid safeguards than have been granted by the League of Nations to the racial minorities of any of the newly constituted states of Europe. But let us not be the victim of a constitutional fetish.

"The true safeguard of a minority" as a Committee of the League of Nations has recently observed, "is the goodwill of the majority". It is not on the privileges that a minority has succeeded in wringing from the majority but on its patriotism, public spirit and devotion to the country that its status and welfare depend. Nor must I fail to add a word of warning. Constitutional safeguards are bounties on inefficiency. The more a minority has of them the more will it need; and protected from the bracing spirit of free competition by the charitable provisions of the Constitution, it will sink deeper and deeper into ignorance, fanaticism and sloth to be stifled ultimately by those who had adhered to offer it a partial support. I am unable to understand the mentality which is not satisfied with what the draft constitution has given but would ask for more in a manner as if any denial involved a question of life and death. Let me however hope that this is only an exaggerated phase of a natural anxiety which will pass off as the discussions in the Convention progress.

### Spirit of Sympathetic Compromise Needed.

But as I have said earlier, the re-action of the country to the report as a whole is very gratifying and encourages me to appeal to you with confidence to support it. It is true that you have been delegated by your organisations to represent their views here and, in some cases, to suggest what modification or changes your organisations consider necessary from their own point of view. It is your duty to urge those views here, but do not forget that there is also another aspect of your duty. If you have come to this Convention to press your own demands, you have also come to accommodate the demands of others. The very fact that it is a gathering of the representatives of all parties holding different views means that a spirit of sympathetic compromise is its first and last postulate. Circumstances compel us to work in this spirit. For, if we fail, we wreck the constitution and the whole world which is watching us to-day will consider us a pack of bankrupt in statesmanship, imagination and earnestness of purpose, and we shall have richly deserved their opinion. But the seriousness of the consequences will not be limited to the exposure of our worthlessness. They are fraught with danger to the nation itself.

### Country's Interest.

Rightly or wrongly, Providence has put us, who have assembled here, in such a position that a false step will spell untold sufferings to the country and a right step will lay the foundation of our freedom. In our loyalty to one group or community, let us not forget that we owe a higher allegiance to the country as a whole. Above all, let us not forget for one moment, that during the ensuing discussions, our national patriotism will be on trial. I pray to God that in the interest of the Motherland every one of us may be granted the courage to give and the determination to resist, the temptation to take. After all what we give here as the representatives of a section will again come back to us Indians.

### Dawn of a Brighter day.

Brother delegate of the Convention, we will be failing in our duty to our country and to the organisations that have sent us here, if we do not bring to our sacred task the courage and the charity of heart which the occasion demands. After several years of utter darkness characterised by the utmost confusion of aims and objects—a darkness in which the spectre of communal differences oppressed us like a terrible night-mare—the work of the Nehru Committee has at last heralded the dawn of a brighter day. You have critics and opponents to the right and to the left: an alien Government that attempts to prolong its power by over-emphasising and encouraging our religious differences and a set of communalistic groups, who inspired by the gospel of 'more bread and butter,' are prepared to degrade themselves by pandering to the "hehests" of our alien rulers. But let us not exaggerate the importance of their subservient and cliquish wire-pulling. It is on the decision of the National Convention alone that the future of India depends. With our hands, here and now, we shall plant the sacred tree. We have no reason to be afraid of the communalists. Their days are numbered. Already a new generation is coming to the front to which the differences between the Hindus and Mussalmans are unknown and which will not, and cannot, think in communal terms. Our angle of vision has rapidly changed.

Let us, in recognition of this supremely important fact, bury our communal differences so deep beneath the earth that they may never rise again. And when this preliminary work has been done, we can proceed to lay the foundation of that democratic edifice within which the people of India can live and prosper for ages to come.

#### Pt. Motilal Presents His Report.

In presenting the Main and Supplementary Reports of the Committee Pandit Motilal Nehru said :—

I present the report of the Committee over which I had the honour to preside. I do not propose at this stage to enter into the details of that report or expatiate upon any particular item. I think that time will come for consideration of the various recommendations that you are placing before the Convention, when our services will be available for information on any particular point that may be necessary.

After what the President has said about the spirit in which you are to consider those recommendations, I do not think I need say anything more. But I would say just one word about the position which the Committee claims for itself. I think there has been a considerable amount of misapprehension about that claim—a claim nothing more nor less than it deserves, namely, the position of a reporting Committee. It is not a law-giving Committee. It is the recommendation of a Committee appointed at a meeting of the All-Parties Conference—a recommendation of certain measures for adoption by this Convention. We are not here to enforce these recommendations nor I ask you to accept them whether you agree with them or not. We are simply here to put the best that we have in us to put before you and to stand corrected by your advice and abide by your decision. That is the position. Please do not for one moment think that we are putting this forward as a matter which is settled beyond dispute or about the correctness of which there can not be any question. I do not think there is any man living who can claim that for himself.

In the matter of making a constitution there is no finality. No one, neither an individual nor a number of individuals connected together can claim that nothing better could be produced than what they have done. On the contrary as we have observed in one part of our Report that this is not a council for perfection. We admit that there are in the Report recommendations which perhaps we ourselves might not have made, if left to our individual opinions. But what we claim for it, is that having regard to the various interests in the country, the interests of the communities, the rights of the minority and the majority and having profited by the experience of the past, the recommendation that we have made are recommendations which are likely to bring about the complete unity and harmony between the parties. If we have erred in certain particular points, it is for you to correct them and adopt the corrected view. But I submit more earnestly not to confine yourselves on any single point here and there and argue upon the merit of that point alone, without referring to the merits of the whole scheme. You will find—I suppose you have found—because I take it, you have studied the Report—that it is a complete organism. It is a structure out of which if you take out one brick, it is likely to crumble down to the earth.

When you examine the various points and recommendations, please also consider what would be the effect of your modifying the recommenda-

tion on that point upon the whole scheme that is being presented before you. One thing I beg of you to remember. Apart from the spirit in which you are to consider the Report as a whole, you have to see that by laying too much emphasis and insistence upon some particular right, either real or imaginary, you are damaging not only that point, but the whole of this noble structure. If you think there is anything in these recommendations which stand for disunity and not unity, by all means scrap them off.

Again I am prepared to go so far to say that this constitution is not a patent to be complied by anyone else or which can not be improved upon. We repeat it before you that you are perfectly at liberty to scrap the whole of it, provided you find an alternative. But if you can not find any alternative then I submit, whether it is good, bad or indifferent, if nothing better can be discovered, I beg of you to accept it."

#### Announcement of the President.

The President then read the following procedure which he said would be followed in conducting the proceedings of the Convention :—

The main and the supplementary Reports of the Nehru Committee have been available to all parties for sometime past. I expect that they have been considered by all those who are attending this Convention either as representatives of parties or in their individual capacity. I shall expect the proposed amendments to the Reports to be handed in at the office of the Convention by 12 noon to-morrow. No amendments will be received after to-morrow's sitting has begun. All the amendments so handed in will be classified and arranged under suitable heads and taken up in the order which I find most convenient for the dispatch of business.

The agenda for to-morrow will be prepared on the basis of the suggestions and amendments already received and will be available to members at the commencement of to-morrow's proceedings.

After an amendment has been sufficiently discussed I will take the sense of the Convention by a show of hands. If the voting is unanimous the result will be recorded and we shall proceed to the next item on the agenda. But if the proposition before the house is either carried or defeated by a majority I will ask if any party as such is opposed to the vote of the majority thus ascertained. If any member says that the party he represents is opposed to the vote and no other member of the same party dispute that allegation, I will have the dissent of the party recorded and proceed to the next item. But if two or more members of the same party differ as to what is the real opinion of their party I will ask the representatives of that party to decide the question among themselves. If they are unable to do so then and there I will allow them such time as they may desire to enable them to meet and discuss the matter. In this case the sense of the Convention, ascertained in the manner I have described above, will be recorded and a note will be made that such and such party has been allowed time to consider the question further and communicate to the Convention the opinion of the majority of the representatives of that party. The opinion so communicated will be recorded. The sitting of the Convention was then adjourned.

#### SECOND DAY—23RD DECEMBER 1928.

The Convention reassembled for the second day on the 23rd December in the afternoon under the Presidentship of Doctor Ansari, with a larger

attendance than yesterday. Since the arrival of M. Gandhi and after the discussion of the Congress Working Committee it was decided to take up as the first item on the agenda not the position of Indian States, but the question of the Constitutional status of India.

This sudden alteration in the programme rendered an emergent meeting of the Independence League necessary a few minutes before the Convention met, and it was decided that Mr. Srinivasa Iyengar should read a statement on behalf of the League,

Dr. Ansari announced that as the resolution and amendments on the question of Indian States were not yet ready the Convention would proceed with the discussion on the first section of the Nehru Committee Constitution.

Mr. Sen Gupta then moved :—

### 1. — Resolution on Dominion Status.

This Convention adopts the following recommendation of the Nehru Committee as amended by the All-Parties Constitution Committee : " India shall have the same constitutional status in the community of nations known as the British Empire as the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa and the Irish Free State with a Parliament having powers to make laws for the peace, order and good Government of India and an Executive responsible to that Parliament, and shall be styled and known as the Commonwealth of India."

Dwelling upon the resolution Mr. Sen Gupta said :—

" I wish that every party in the country had come under the jurisdiction of the Indian National Congress, for in that case it would not have been necessary to create a new body and give that body freedom with regard to certain objective ; but unfortunately we have to admit that there are men in this Convention who do not accept the goal of Independence as India's goal. Because of the necessity of putting forward a united front to the new offensive of the British people who have sent out the Simon Commission, we have to see that we must find a constitution which would be acceptable to all, Liberals and Moderates, Hindus and Mahomedans, in short to all classes of people constituting the body-politic. The object underlying the Commission is to establish more firmly the British Administration in this country and this Convention was created to put forward a united front.

I believe that the real salvation of India lies in the severance of British connection but I am a practical man. We cannot allow the Simon Seven to go back in England triumphant. Do you want that ? Or do you want your strength to be conserved and brought together under one head ? I want a clear answer.

It has been asked why the constitution has been based on Dominion Status. Before answering it I may state that so far as I am concerned I want a constitution based on Independence. And I also believe that the adoption of Dominion Status in this Convention does not in any way interfere with the ideals of those who believe in Independence. If after calling this Convention, the Congressmen press their stand-point in the form of a constitution for Independence, may I ask you what would be the result ? That is the point I want to emphasise on you all and I have not the slightest doubt that if the Congressmen press their own point of view, there would be an end of this Convention, of the unity which this Convention represents. I wish that time might come when all parties would unite on the basis of Independence but unfortunately that is not the case. As a practical man, we must take stock of the reality of the situation.

It has been further asked, can you base your constitution on Dominion Status and work for Independence? Is that logically possible? I say it is. But the proper question is this. Is this constitution such a thing which would hamper you in your fight for complete independence? I say it would not. On the contrary it would help you, because you will have the united nation behind your back, and further because it will show that when faced with a crisis Indians know how to unite. On the other hand if every school of political thought press their own view point the very purpose of this Convention would be defeated. Let us agree for the sake of unity in this Convention to this constitution. It has been very properly placed before you for your consideration; for on its decision depends whether this Convention is to go or not, whether the British policy so far pursued would end or it would be strengthened.

Mr. Yakub HASSAN (Madras) seconded the resolution. He said his non-co-operation colleagues need not be surprised at this attitude, as he wished to have a real fight and not sham fight.

"I want to fight on a clear issue," he continued. "We want connection with Great Britain on terms of equality alone. But my friends who want independence, why should they have any Constitution at all. There will be time enough for a constitution after they gain independence. Let us, as practical men, take stock of the real facts. Do the Hindus who wish to fight for independence realise that they have with them Muslims, who are communalists? If those Muslims are serious about independence, why do they worry and fight about the rights of minorities in this Constitution? Why cannot they trust the Hindus? On the other hand, it is they who wish the British to remain here for ever to keep the peace between the Hindus and Muslims. Similarly, those Hindus who declare that after the British go a Muslim Raj will come have no right to work for independence. Then there are the Indian States. Are they going to fight with you to drive away the British? Our ideal can only be realised if we make Dominion Status our issue. I am earnest in saying that I am willing to remain a member of the British Commonwealth on terms of equality and I suggest that the day when India becomes an equal member of the British Empire the Empire itself would cease to exist and India, having 300 million people, would have a stronger voice in that Commonwealth than Great Britain herself.

"I am not with those who declare that Dominion Status should be a stepping stone to independence (Independence Leaguers: hear hear). On a practical basis, I want you to make Dominion Status our immediate goal and concentrate all our forces for attaining that object instead of fighting the air."

The President then opened the matter for discussion.

### The Independent League's Statement.

Mr. Srinivasa Iyengar at this stage read out a statement on behalf of the Independence Leaguers and when pressed to state the names of the signatories declared that these were still being obtained and would be announced in the press. The statement was signed among others by Mr. Srinivasa Iyengar, Pt. Jawaharlal Nehru, Mr. Subhas Chandra Bose, Mr. Kiran Shanker Roy, Mr. Sarat Chandra Bose, Mr. Satyamurti, Mr. Sambumurti and Mr. Shivaprasad Gupta and read as follows:—

"We the undersigned delegates of the All-Parties National Convention desire to make the following statement with a view to clear our position before the Convention and

country. We are of the opinion that both in the exercise of India's right to self-determination and in consonance with the resolution of the Madras Congress declaring the goal of the people to be Complete National Independence, the Swaraj Constitution of India, which the Madras Congress directed the Working Committee of the Indian National Congress to draft and place before this Convention, should be based on independence. We feel that the constitution drafted by the Nehru Committee and placed before this Convention definitely commits those who support it to a constitution based on Dominion Status. We are not prepared to accept this and we therefore cannot accept or support the Dominion status basis of this constitution. We dissociate ourselves from this constitution in so far as it commits us to acceptance of Dominion status. We notice that both in the Nehru Report and in the resolutions of the All-Parties Conference at Lucknow, the right of Congressmen and of the Congress to retain and exercise the fullest liberty to work for Complete Independence is amply recognised. We also know that at the Lucknow All-Parties Conference, a statement on behalf of those who stood for Independence was read, stating their position on the above lines.

"The All-India Congress Committee at its meeting at Delhi on 3rd and 4th November last, considered the Nehru Report and the resolutions of the All-Parties Conference and, exercising its liberty of action decided in the course of a resolution as follows: "This meeting of the A. I. C. C. adheres to the decision of the Madras Congress declaring complete independence to be the goal of the Indian people and is of the opinion that there can be no true freedom till the British connection is severed." We feel that, that resolution represents the correct position to be taken by Congressmen, and others who believe in Independence. We consider that as this question will have to come before and be decided by the Subjects Committee and by the Indian National Congress, that is the proper time and place for these representing the Independence point of view to have it reaffirmed by the Congress. In the meantime, we consider that the resolution passed by the A. I. C. C. at Delhi regarding the All-Parties' resolutions represents its position. "This meeting of the A. I. C. C. adheres to the decision of the Madras Congress declaring complete independence to be the goal of the Indian people and is of the opinion that there can be no true freedom till the British connection is severed. This Committee accepts the recommendations of the Nehru Committee as agreed to by the Lucknow All-Parties Conference for the settlement of the communal difference. This Committee specially congratulates the Nehru Committee for their labours, patriotism and farsightedness, and, without prejudice to the resolution of the Congress relating to complete independence, is of the opinion that the recommendations of the Nehru Committee are great steps towards political advance and without committing itself to every detail generally approves of them." We are confident that the Subjects Committee and the Congress will fully accept the independence point of view.

"Having regard to the composition of this Convention, and to the above-mentioned circumstances we have decided not to take any part in the framing of the constitution in so far as it commits us to acceptance of Dominion Status. We shall neither move amendments nor vote on it. We propose to carry on in the Congress and in the country such activity as we consider proper and necessary in favour of complete independence. But as we are deeply interested in the communal settlements recommended by the Nehru Committee and by the Lucknow All-Parties Conference, we shall not abstain from taking part in discussion or voting on those questions. We desire to add that the Independence of India League wholly supports this point of view."

The President next called upon Mr. Daud of the Trade Union Congress to address the Convention.

Mr. DAUD declared that the Trade Union Congress had sent him with a mandate to place their demands before the Convention for a socialistic republican form of Government and the nationalisation of industry. After reading the resolution passed by the Jharia Congress on the subject, he hoped it would receive consideration.

Rai Sahib Chandrika Prasad thereupon made a counter declaration as a former President of the Trade Union Congress and Railwaymen's Federation declaring that the majority of Trade Unions and Unionists were in favour of the Nehru Report.

A number of Labourites challenged Mr. Chandrika Prasad's authority to speak on behalf of the Trade Unionists whereupon he replied that he was



speaking in a personal capacity and was prepared to take the consequences of his action. He was, however, continuously interrupted, but confusion ceased when he resumed his sent.

Mr. MAHOMED ALI then in the course of a much interrupted speech, often leading to confusion among the audience and accompanied by shouts of "Withdraw," strongly opposed the resolution moved by Mr. Sen Gupta.

He asked Mr. Sen Gupta why, when he accepted Independence as the goal of India he should have moved this resolution and not any of "those Dominion Statuswallahs" who were behind him. Could they not find a solitary individual in that group with the courage to preach Dominion Status not only not as a stepping stone as Mr. Yakub Hassan had said, but forever and anon?

Mr. Mahomed Ali criticised the psychology of those who argued that Dominion Status was only a temporary phase and that afterwards they could claim independence. He described this as the policy of a coward and not of a fighter. He praised the Nehru Committee for their excellent report but he objected to it on essential points.

He objected to Dominion Status because that status could have application only in a country of white people and not to this country of 320 millions black people. Nowhere in the world was any Asiatic, particularly an Indian, more looked down upon than in Britain, the centre of the British Empire.

Pundit Motilal Nehru at this stage explained that this was a contradiction in terms and that if they got Dominion Status they could be treated on the same level with the people of the self-governing Dominions.

Mr. Mahomed Ali denied this and speaking from his recent experience in England and other countries he said that Dominion Status might be very good on paper but when it was being applied there would be a world of difference between the people of Canada or South Africa and of India.

At this stage Mr. P. K. Chakrabarti indignantly asked Mr. Mahomed Ali to withdraw the word "coward" in respect of Mr. Sen Gupta.

Mr. Mahomed Ali declined and explained that he wanted Mr. Sen Gupta with his creed of independence not to become a coward.

Mr. Chakrabarti and others pressed for the withdrawal of what they termed an unparliamentary expression and some confusion reigned.

Order was eventually restored and Mr. Mahomed Ali, proceeding, emphasised that Dominion Status might be used differently in India and against the interest of India and reminded them of the veto powers of the Viceroy.

Mr. B. C. Pal—We will see that it is not so exercised in India.

The Moulana also urged the Convention to leave the Indian States out of consideration and refused to accept Pandit Malaviya as the representative of the Indian States.

He said he was present in the Convention not as a Moslem Leaguer or Trade Unionist or even as an ex-President of the Congress but only a member of the All-India Congress Committee. He asked for no Constitution but for one article namely that India shall be free and independent.

"I don't ask" he said, "for Dominion Status under the British or Hindus or Mussalmans or Turkey or Afghanistan. But I want freedom for myself and my country."

Mr. Prakasham : Did you not petition the Viceroy?

Mr. Mahomed Ali (indignantly): "No, I have not taken even the oath of fealty which you have done and which Mr. Srinivasa Iyengar can somehow justify".

Speaking in his personal capacity the Maulana declared that he would ask for no constitution except one article namely that "India shall be free and independent." "I ask for no constitution, I ask for no rights for myself, no fundamental rights for the Mussalmans, no rights for Hindus, no protection for minorities and majorities. I will only ask for one article, that of a free and independent India. I do not want Dominion Status under the Mussalmans or under the Turks. The one article I want is that India shall be free as other nations of the world. I say I do not want anything for myself. But I say that in order to get rid of the British there is no other alternative but to accept Dominion Status under the Hindus or the Mussalmans. In order to get rid of the British control over myself, if there is no alternative except to accept Dominion Status under the Hindus, I will accept it for myself".

It had been said, the Maulana went on, how they could ask for independence while communalism was rampant in the land. They could take it from him that there would be communalism in this country so long as there was no independence. And as long as they were under the British control that question would not be solved. That was why independence was necessary.

"I want to open the door, concluded the Maulana, "not of the Yerwada Jail but the great Jail facing India, which can only be opened by absolute independence and not by dependence or Dominion Status. I do not want people to become cowards, but what I say is, if we take a false step to-day, we might be called cowards to-morrow and I appeal to my comrades to see that they do not behave like cowards".

Dr. ALAM of the Punjab was very much pained to see that the Maulana spoke for himself only and not for all of them. It had been said that they had gone under the influence of some Liberal Knights. But he could assure them that it was the Liberals who had come under their banner and not the Congressmen who had gone under the banner of the Liberals. But while the Maulana was away in England his followers had gone under the banner of Sir Md. Shafi and Sir Abdur Rahim, who had been giving dinners to Simon Sevon.

Proceeding, he pointed out the difference between the speeches of Mr. Sen Gupta and the Maulana. Both of them wanted independence, but as a practical man Mr. Sen Gupta had joined with others in claiming Dominion Status, while the Maulana would not accept it. And why? Dr. Alam then pointed out that the word 'shall' in the constitution was not obligatory and did not deter others from working for independence.

This acceptance of Dominion Status, concluded Dr. Alam, was the last offer on their part to the British people to keep their connexion with India. It constituted the last offer on the part of those of our countrymen who thought that the English people were sympathetic to them. If this was not granted, then they would have to work further with the Congressmen and not to go back to the banner of Sir Md. Shafi. This was the last word, he thought for after this, they were not going to agree to anything like Dominion Status.

Mr. S. SATYAMURTHI, on behalf of the Mahajan Shabha and the All-India States' Subjects Conference, associated himself with the statement of

Mr. Srinivasa Iyengar. He pointed out the difference in the framing of the present resolution with that passed at Lucknow. Here it did not recognise the liberty of those who desired to work for independence. If, after this, uncharitable critics said that it was a reply to the Viceroy, he thought they would not be far from wrong.

They however thought that the time was with them and that their destiny lay in the direction of independence. They were ready and willing to hold aloft the banner of independence already raised. They knew that the Congress would justify them. They did not want to be responsible for the breaking upon of this Convention and therefore not without much hesitation but with a sense of responsibility that they agreed at the greatest sacrifice to this. What they had decided was to associate themselves with the statement of Mr. Srinivasa Iyengar and to desist from taking any further part in this resolution fixing Dominion Status as their constitution. But he gave the Convention and the country a fair warning that Independence was the only goal for which the people of this country should work for.

#### MR. J. L. BANERJEA'S AMENDMENT.

Moving as an amendment to the first article of the recommendations of the Nehru Committee declaring that "India shall take rank as a free nation among the free nations of the world," Mr. J. L. BANERJI attacked some of the arguments in favour of Dominion Status. Leaving the task of constitution-making to the constitution Pandits of the future, he said that both Mr. Sen Gupta and Mr. Yakub had laid stress upon the practicability of Dominion Status implying that while it was a practical idea, independence was not. Not being a practical man himself, he could not appreciate the value of such an argument. Why was Dominion Status more practicable than independence? Was it meant that it was easier to attain it? That this goal could be reached more easily than independence, and that independence meant fighting the British Government while Dominion Status could be granted to them out of generosity? If that was the attitude no grosser delusion could have been cherished in the minds of men. They should remember that even for attaining the Dominion Status they would have to use coercion, and more so, it may be, in the case of independence, and there is no other means available. Such being the case he failed to understand how Dominion Status was more practicable than independence.

Rising on a point of personal explanation, Mr. Sen Gupta said what he said was that as a practical man they must have unity. He knew as much as Mr. Banerji did that they required force, coercion and strength in the country for the purpose of getting Dominion Status and perhaps some more amount of force for independence.

Mr. Banerji maintained that it meant the same thing and there was no need of Mr. Sen Gupta to contradict him. Proceeding, he said, great stress had been laid on the question of unity. The point could never be over emphasised. But did they think that they would have unity even on the question of Dominion Status? The man who did say that would be a very bold man. His reading of history showed that independence was never attained by any united people (Hoar, Hear). Wherever the battle of freedom had been fought it had been fought by an active minority (Applause), and not by a united nation. It had been fought by a minority united in itself and never by a united nation. To say that 325 millions

of people would unite and then press for independence—that had never been done and then they would have to wait till the Greek Calends.

Pointing out that Dominion Status might be a practical idea for Canadians, Australians and other people who were akin to the English in race, tradition, blood, and culture, it was never a practicable proposition for India whose people had no common bond with the British. The only bond was the bond of servitude and inferiority. That being the case, how could they accept it from England and how could England give it to them? Their choice was plain. Was it independence or dependence for ever?

The Viceroy had been telling them that those who talked of Independence were leading the country into a morass, evidently implying that the road to Dominion Status was a broad highway upon which they have only to walk and it would be dropped into their mouth. He hoped nobody would be misled by this kind of talk. If independence was a morass, in the eyes of the Viceroy, Dominion Status was equally so. As soon as they gave up their demand for independence, they would also come out in their true colours.

"Therefore I call upon you to think seriously over the matter. With you the decision must be not an act of the moment, but it would be a decision which will affect you, affect your descendants, your posterity and generations to come. For you the choice is plain and it remains to be seen what course you will adopt, the straight and narrow and short path that leads to independence through much blood, many tears and through innumerable course of sufferings, or the broad beaten track that leads to Dominion Status, dependence and hell.

Mrs. Annie BESANT supporting the resolution said that she wished to clear one point and that was that Independence and Dominion Status meant practically the same thing. Dominion Status meant that they would have their own army and navy and that was essentially necessary to the country desirous of winning freedom from another country not willing to grant it. That was why self-governing dominions could do as they liked. That was the factor she wanted to bring to their notice. One point seemed to be an important factor in this respect and which had never been mentioned in the speeches and that was that there was another party to it namely England. What would be her attitude? That had not been thought of by anybody.

Proceeding, she pointed out the analogy of Ireland and said that the difference between the Irish people and Indians was that while Ireland was determined to be free, they were not. If India desired to be free, she could be free in a few minutes. The change of attitude would be enough to bring Great Britain to her senses. They talked for independence amongst themselves but not one word had been mentioned as to how they were going to act for it.

In this connexion she asked Indians to follow Sein Fein method. Let them set up parallel government in every village and in every district board. Their people had a genius for self-government. They had already before them the example of Bardoli. "Make many Bardolis all over the country and I tell you that the English people are very practical people and before many Bardolis are established they will come to you for settlement. That is the kind of agitation they understand.

I tell you further that if you, older people, do not take up the burden of freedom, the younger generation will do it. They are beginning to understand the shame, degradation and the intolerable condition of millions of

people having a splendid history behind them, a literature unrivalled, bound down to a little nation in the far off ocean. That was the feeling they must spread in the land.

What I urge upon you is not to talk much but to begin to act, to build up self-governing Swaraj and then there is some hope of your gaining Swaraj. Swaraj will be granted to you when it becomes dangerous to refuse it. I am asking you to do something practical before the year 1929 passes away."

Mr. Bepin Chandra PAL (Calcutta) in supporting the resolution said that if he were not absolutely convinced with what the Nehru Report called Dominion Status as the goal of India's political aspiration and that if he were not convinced that this Dominion Status meant not only practically but also in theory in the constitution of the existing British Empire independence, complete and absolute, he would have voted against it and called for independence. But they should remember that independence was not their absolute negation of dependence. The word "independence" was a foreign word and its concept was also a foreign one. Their word was not 'independence' but 'Swadhinata' which meant self-dependence and not independence. Every association limited the independence of the parties joining that association. This was the convention of all political parties in India and the very fact that they had met together in that Convention did not take away their fundamental freedom but it limited their independence so far as common action in this convention was concerned. The first thing that had struck him in this discussion between independence and Dominion Status was that those who talked of independence seemed to believe that there was no freedom in the association. Dominion Status was actually equality of partnership. That was their own language in 1906 when Dadabhai Naoroji declared the meaning of Swaraj as Self-Government prevailing in the colonies and in the United Kingdom. When Mr. Naoroji laid down this ideal of Swaraj before them he did not mean isolated independence but equal partnership in a larger association.

In the Nehru Committee Report they had self-governing Dominion Status. In the first place the Commonwealth of India Parliament would, like the Parliament of Great Britain or Parliament of Canada or other dominions, be responsible to its own constituency for peace and order. The present Indian legislature was excluded from responsibility for peace and order. They should be placed on the same footing as the Dominions and their legislature should be responsible for peace and order. If the Indian Legislative Assembly had been responsible for peace and order and the Bengal Legislative Council had been responsible for the same, Lord Reading and Lord Lytton could not have passed Ordinances which they did because in that case the Parliament of India and the Parliament of Bengal would have been completely responsible for peace and order and their Parliament would be responsible to the people for law and every act of the government. He therefore thought that Independence and Dominion Status practically meant the same thing (cries of 'no, no'). It was a matter of constitutional history, it was a matter of fact but it was not a question of opinion. The fact was that self-governing Dominion Status was the same as Independence.

(Voice—Why not accept the term 'independence' if there is no difference between the two?).

At this Mr. Pal referred to the Faridpur speech of Doshbandhu Chitta-

ranjan Das who declared that self-governing Dominion Status was not practically better but ideally higher than isolated national independence. This was exactly what the speaker was trying to bring out.

#### MR. TARACHAND'S AMENDMENT.

Mr. Tarachand Lalwani (of Karachi) moved the following amendment :  
 "Whereas the goal of Indian people is only national independence India cannot achieve true freedom without severance of British connexion and the people cannot enjoy the fruits of freedom without socialism. This convention resolves that the constitution of India should only be based on full independence and recommends that the necessary alteration in that behalf be made into the Nehru report."

He said that Dominion Status or Independence could not be had merely by passing a resolution. They should never meet until and unless they had taken direct action. The speaker cited Bardoli as an instance in support of his proposition and pointed out that it was the peasants and nobody else who could bring real Swaraj.

Sir C. P. RAMASWAMY IYER, in the course of a fighting speech on behalf on the National Liberal Federation in support of Dominion Status, emphasised the need for unity. He asked if it was not a fact that during the last twelve months the national cause had been enhanced in volume and intensity of expression by the unity which had been secured of all parties in regard to the Simou Commission. The attitude of men like Sir Ali Imam and Sir Tej Bahadur Sapru had profoundly modified the political situation in India. These might represent minority opinion, but when they were prepared to work with the majority opinion, would it not be better to take them in the interests of national progress? And yet they were told in regard to Dominion Status that it was easier to attain Independence, and therefore, they should not bother about concentration on Dominion Status, when with perhaps the same expenditure of energy they could achieve the other. His reply was that there were many classes in this country who had not accepted Independence as their goal. The case of the landlords was enough. At the same time there were the people of Indian States who would not be allowed to go with Congressmen in British India if they talked of Independence; but might be allowed if they worked for Dominion Status. Then, there were the members of the Liberal Federation. They might be numerically weak, but they believed that Dominion Status was in itself desirable, and would give everything that a proud and self-respecting nation would care to achieve—association on equal terms with the biggest community of nations.

Proceeding Sir C. P. Ramaswamy Iyer said that by accepting Dominion Status India would rise to the position occupied by Canada. Mr. Mahomed Ali had asked what would be the attitude of the Liberals if the Constitution fell short of the demands of the Liberals. He wanted them to let him know what would be their attitude if the Constitution fell short of independence.

Mr. Mahomed Ali : We don't accept it.

Sir C. P. Ramaswami Iyer : Equally so, we don't.

"I object," he said, "to a mentality which suspects the bonafides of the Liberals. We believe unlike you that Dominion Status is enough for any self-respecting nation. I am asking for a spirit of mutual tolerance."

There was an inaudible interruption from Mr. Mahomed Ali at this

stage, to which Sir C. P. Ramaswami Iyer replied :—"I knew this talk of killing and getting killed a little too much. Let us be heroes, but if we are going to kill and get killed, then your place is not in this Convention but somewhere else."

Mr. Mahomed Ali asked : "Will you come to jail with us in the struggle?"

Sir C. P. Ramaswami Iyer replied : "I treat this question as an insult. If that is the spirit in which you are going to work for Swaraj it is not worth getting. We Liberals are commonplace men, but give us a chance to work with you and enable us to give the best of us to the advancement of the national cause in a spirit of mutual trust and toleration."

### Political Sufferers' Statement.

Swami Govindanand, on behalf of the Political Sufferers' Conference, at this stage read out the following statement advocating independence :—

The members of the Swadhin Bharata Sangha are of opinion that the only goal for which any nation should work is Independence, and that India can never have true freedom until the British connection is severed and therefore the constitution of India should be based only on Independence.

We find that the constitution recommended in the Nehru Report is based on what is known as Dominion Status, which means that the entire politics of India will, in the last resort, be controlled by Britain in the interests of British Imperialism. We are also of opinion that the salvation of India and her masses lies in the establishment of a real socialistic regime. We are afraid the whole of the constitution sketched in the Nehru Report is based on capitalistic construction of society. We are not prepared to accept this constitution, and hence cannot support it. We feel that real unity cannot grow and prosper in India as long as there is communal representation in whatever form in the constitution of India. We are therefore emphatically of opinion that the constitution of India should be based only on national representation.

We find that the constitution sketched in the Nehru Report is based on communal representation through reservation of seats for minorities. Consistently with our nationalism, we cannot accept this portion of the constitution. But since under the circumstances much as we deplore them, another settlement acceptable to all communities is not possible, we feel it to be our imperative national duty not to complicate the matters by opposing that portion of the Report in this Convention or outside in the country, for we do not want to fall into the clever traps of rank communalists and reactionaries who exploiting idealism, nationalism and patriotism, are out to wreck any honest efforts at mobilising the national forces to give a battle royal to the present tyranny and to win the nation's freedom.

Having stated our position with regard to the three most important issues in the Report,

(1) Dominion Status *vs.* Independence, (2) Nationalism *vs.* Representation of seats and (3) Socialism *vs.* Capitalism, we wish to assure the Convention that, much as we feel very strongly on these three questions, we do not propose to hamper the work of this Convention. But we desire to record our considered opinion on all the three questions and to dissociate ourselves from the resolutions on these three issues in so far as they commit us to acceptance of British connection, capitalism and reservation of seats on a communal basis. We shall not take any part in the resolutions by moving amendments or voting on them. We shall however avail ourselves of the privilege accorded in the Report and Lucknow resolution of carrying on such activity as we consider proper and necessary in favour of complete Independence and hope the parties favouring British connection will not carry on any counter-propaganda or hamper in any way our activities in that direction.

Mr. C. Y. CHINTAMONI on behalf of the Liberal Federation also supported the resolution. He said that he had come to the Convention because the Nehru Committee's report as a whole was for the good of the country. If they were believers in perpetual dependence they would not have asked for Dominion Status but would be content with 'status quo.' Dominion Status connected a political position for India equivalent in all respects to independence. It was because they are advocates of freedom for the country and did

not want any longer to be dependent upon or subject to England that they were giving their whole-hearted support to this resolution.

It had been argued that those who supported Dominion Status were actuated by a spirit of defeatism.

Moulana Mahomed Ali:—On a point of order (cries of order, order, sit down).

Moulana Mahomod Ali:—If this rabble is going on like this I will go out.

(Voices :—You are also of the rabble).

Mr. Chintamani continuing said that he would not refer to the effect of argument on this point, as he listened to every word of Mr. Mahomed Ali with the care and attention to which the word of any ex-president of the Indian National Congress deserved. He was speaking on the basis of his own understanding and not of the intention of the speaker.

Moulana Mahomad Ali.—On a point of personal explanation. I did not say anything at all about the Liberal Federation or anybody else. I spoke about the psychology of Mr. J. M. Sen-Gupta.

Mr. Chintamani.—I submit I have not made any allegation against Mr. Mahomed Ali and I stand acquitted to having made any charge against him.

Proceeding the speaker said that Dominion Status was akin to national independence for all practical purposes for which the Nehru Report worked. Whether national unity was desirable or was merely an expression of national weakness—upon this point he not only associated himself wholeheartedly with the arguments put before them by Sir C. P. Ramaswamy Aiyer. But he would go further and say that if they did not strive to the best of their power to achieve the maximum amount of national unity that was possible and exert a united pressure of the entire people seeking for political progress and for freedom from bondage upon their opponents whose organisation, whose strength, whose determination and whose selfishness was only too well known to them, they would get neither Independence nor Dominion Status nor make any substantial move forward. The position of the National Convention ought in his opinion to be the position which Gokhale described as the position of an ambassador of the people of India. Let those members of the Indian National Congress who had thus belittled the value of national unity should remember that the All Parties Conference was called at the instance of the National Congress itself and that it was the members of the Congress who were in the position of the hosts to the non-Congress men in order to achieve what they were struggling for, namely the freedom from bondage.

In conclusion, Mr. Chintamani said that if this Convention had thrown out the Nehru Committee's recommendations as embodied in the resolution they would be doing the most incalculable injury which anybody of public men had done within the living memory and appealed with all the earnestness he could command to ratify the most statesmanlike conclusions reached in the report and show it to every opponent of Indian national progress that Indians could rise to the height of the occasion at this critical juncture.

Sir ALI IMAM rose amidst applause and said that he did not propose to enter into a discussion of the value of Independence or Dominion Status, nor would he go into the detailed examination of the report of the Nehru Committee. He did not think that there was one single individual present at the Convention who disputed the proposition that Independence was a higher claim than Dominion Status. In theory they did not need to be convinced



as to the obvious fact that Independence was a higher ideal. Although he was theoretically convinced of the higher ideality of Independence, he had gone and put his name on a paper which adopted Dominion Status, that is to say, he had taken a lower place.

He asked them to consider one or two things in regard to their own country. People or some section of the people who were fighting among themselves upon a question as to whether a certain minority in the central legislature should have 25 seats out of hundred or 33, people who were quarrelling among themselves as to whether or not there would be reservation of seats for certain minorities and who were not united in regard to communal interests, for such people as practical politicians to say and come forward that they should have independence was simply ridiculous. One might ask if they were going to put before the country the word 'independence' or they were going to put before the country independence as it should be conceived as the basis of an accepted constitution. That word by itself had already gone before the country. The National Congress had already put it before the country. Time had come for them to realise that the mere word 'independence' would not by itself bring their salvation. It should be accompanied by a definite constitution—a constitution which accepted independence as its goal.

As a nationalist he had a grave misgiving about the declaration of the Jamiat Ulema, the Khilafat Committee as it was only the Musalmans who wanted independence and who understood the virtue and value of independence. He believed that he was an Indian first (prolonged and continued cheers).

In conclusion he sounded a note of warning to the audience not to be misled by theoretical ideas but to listen to practical politicians. He did not, however, claim to be himself a politician. He was a simple man and was for some time only a miserable Law Member of the Government of India. He was putting before the audience his honest conviction and he hoped that they would agree with him when he said that the decisions reached by the Nehru Committee were the best that could be devised for at least some time to come.

Mr. J. M. SEN GUPTA in reply referred to what His Excellency the Viceroy had said in some place that the friends of India in England would be alienated from them by the fact that they would use this constitution based on Dominion Status for the purpose of strengthening their position for independence. He could tell His Excellency that so far as they (the Congressmen) were concerned they would use the unity produced in the country for the purpose of strengthening their national movement for freedom.

He knew that it would be as much difficult to wrest a constitution based on Dominion Status as it would be to wrest a constitution based on independence and complete severance from British connexion. The only object for which he supported the resolution in the All-Parties Convention that day was that he desired along with others to use this unity in the country. When they talked about independence making independence as the basis of their resolution he understood men like Pandit Jawaharlal Nehru and Maulana Mahomed Ali: he was not going to make insinuations against any one but he did say that there were some who belonged to communal organisations. It was all very well to come to the Convention and to say that they would fight for

independence, and in the same breath say that in the Punjab or in some other place they would claim a little more than what their population granted.

They wanted unity, they wanted strength in this Convention for the purpose of enabling the Congress men to carry on their work for independence. "Let us not spoil this gigantic work, this historic work in this Convention by being pawns in the hands of the communists and the hired politicians of the British people."

All the amendment were put to the vote and lost while the original resolution was carried "nem con."

At this stage Pt. Jawaharlal Nohru asked the President to record a note that the All-India Congress Committee would record their vote in this matter on the 27th inst. The President agreed to the proposal of Mr. Nehru and the Convention was adjourned.

### THIRD DAY—24TH DECEMBER 1928.

#### 2.—Declaration of Rights.

Pt. Motilal Nohru started the third day's proceedings by proposing the addition of a clause describing the word "citizen" as given at page 31 of the report, to the effect that when India got Dominion Status and would enjoy equality with other members of the British Commonwealth, those members would similarly enjoy equal status in India. The following is the text of the resolution:—

"That this Convention adopts the changes proposed in the supplementary report defining a "citizen" so as to include citizens of other Dominions."

In moving the resolution he said he was only placing before the Convention a recommendation made in the report of his Committee. The suggestion was that "citizens" should be described in a certain way. As the definition of this word originally stood at page 31 of the reports, it consisted of only three clauses. It was now proposed to add a fourth, which would be numbered as clause 4.

Proceeding, Pt. Motilal said that this was necessary in compliance with the resolution that was adopted in the Convention the previous day, when the subject of the Status of India was debated and Dominion Status resolved upon. This would give them the rights of citizenship in the Commonwealth. In adding this clause they had carried out the instructions of the Lucknow Conference. Unless the new clause now proposed was adopted the people of other Commonwealths coming to this country could not be regarded as citizens here. This would create a rather curious state of things because while Germans, Italians or the subjects of any other country coming to India could be naturalised and would then become citizens here and enjoy equal rights, those coming from Great Britain or any of her Colonies would find themselves in this real difficulty that they could not be naturalised and would not enjoy equality with Indians as citizens. Such a thing would be quite inconsistent with the resolution passed by this Convention the previous day because if they had Dominion Status they become equal to the people of the British Empire and all her Commonwealths.

If Indians became the equal of the British people and the people belonging to the Commonwealths of Canada, South Africa and Australia it

would be absurd to say that though the Indian people claimed to be the equal of the people of these several Commonwealths the later should not have equal rights of citizenship in this country. While claiming to be on the same footing as the people of the other British Commonwealths the Indians could not deny the latter the same rights as they would themselves enjoy. This was nearly a consequential amendment. Of course at present India enjoyed no such right at all but they had passed the resolution in favour of Dominion Status and if India wanted equality in other Dominions they would have to concede the same rights to the people of those Dominions. If they wanted to be regarded as citizens of this country, this equality would come about automatically if India got Dominion Status. If Indians wanted equal rights in other dominions they must give them equal rights here. Of course if they did not get the one they would not give the other. As he had stated this equality would come about automatically and would not depend upon any one's will or pleasure. It would follow automatically and they would get those rights subject to any special legislation which other countries would have the right to pass, just as India would have the right to pass similar special legislations. If India was admitted into this family of the Commonwealth of Nations she would no longer be foreign to them and they would no longer be foreign to India.

A member asked why this Convention should go out of its way to make this concession, and in reply to this Pandit Motilal Nehru pointed out that they had laid down their constitution for Dominion Status and the necessary implication was that the consequence would follow. The people of this Commonwealth could not be naturalised because it was only foreigners who could be naturalised.

#### A Select Committee Formed.

Mr. K. M. MUNSHI (Bombay) opposing the resolution said that he proposed that the resolution be referred to a Select Committee for further consideration. The ground for referring the clause to a Committee was that it was not as satisfactory as it should be. With profound deference for Pandit Motilal he said that it was not quite accurate to say that the Dominion Status guaranteed every natural-born subject of His Majesty equal rights. As, for instance, he said the Commonwealth of Australia was quite competent to exclude any race which they thought proper from the exercise of franchise. In South Africa too there was such a statute.

He, therefore, suggested that a Committee consisting of Pandit Motilal Nehru, Sir Tej Bahadur Sapru, Dr. Naresh Sen-Gupta, Mr. J. Choudhury and Mr. S. N. Haji and the speaker be formed and that they should submit their report at the next sitting of the Convention.

Pandit Motilal Nehru said that he had no objection to the formation of a Committee.

Dr. M. A. Ansari then moved that the following gentlemen should form the Committee—Mr. L. R. Tarshee, Sir Tej Bahadur Sapru, Dr. Naresh Sen-Gupta, Mr. J. Choudhury, and Mr. K. M. Munshi. The amendment of Mr. Munshi was put to vote and carried by an overwhelming majority.

#### Amendments Moved.

Mr. K. Madhab NAIR (Congress, Kerala) then moved that sub-Section II of Article 4 of the Nehru Report be omitted. Mr. Nair said that the present economic arrangement in the country was certainly not the best one. There

was vested rights such as capitalistic rights. He did not believe in any self-rule of 5 or 10 or 15 per cent of the population. National Self-Government meant Self-Government of the Nation and not of any class. He did not believe that Swaraj could be acquired by India otherwise than by the tenants who had been sadly neglected. But he did not object if the report as a whole was of the Zemindars and that of Priests, which were not to the liking of the people. He therefore urged that the clause he omitted<sup>1</sup>.

Babu Ramchandra (Member of the U. P. Kishan Sabha) supported Mr. Nair.

Dr. Naresh Chandra SEN-GUPTA said that he considered it unfortunate because he could not believe in the existence of self-rule in India for only five or ten years. To him national self-government meant not self-government of the classes. Those who believed that self-government could be achieved by perpetually neglecting the down-trodden masses were labouring under a fearful delusion. He believed that the retention of the clause meant a direct challenge to the tenantry of Bengal and he was prepared to accept it for the present, for they who had already laboured under this disadvantage for so many years were prepared to suffer so for a few years more. They knew that the moment the constitution came into force and manhood suffrage was granted they could alter the whole structure of the constitution and it was in this feeling that he opposed the amendment.

Mr. Ramdas PANTULU in opposing the amendment said that there was no danger to accepting the resolution as it stood in the report as it was perfectly a legitimate provision. They were already pledged under the Congress constitution to adjust amicably the relations between landlords and tenants and the employers and the employees and he did not want to create any impression in the minds of anybody that this relation would be destroyed under the new Commonwealth.

Mr. J. L. BANERJEE in supporting the amendment said that the first clause of the resolution that no property would be disturbed except in accordance with law was quite sufficient and he thought that the second clause guaranteeing rights was added with a sinister object. What titles were they going to guarantee?—titles lawfully acquired under the laws passed by the British Government which was described by Mahatma Gandhi as "Satanic". Might he understand that all other laws of the Satanic Government were liable to be assailed and attacked but the laws for safeguarding the rights of landlords were sacred and sacrosanct, not even to be attacked by the Free India to be?

What were they trying to have their Dominion status for, Mr. Banerjee asked. Was not their new Commonwealth to be given ample and large power of law giving? Should they not desire to give that body a chance before the world? Certainly they did not want to perpetuate the evil thing of the past? Should they not say that their object was to shatter the existing state of things and remould it nearer to the heart's desire? If that was not their object was there any meaning in claiming independence or Dominion Status? If they gave the largest and amplest powers for legislation to the free states of India would that power of legislation be hampered only in respect of laws, out of deference most probably, to the great property-holders now existing in India.

"One of the first duty of the new state of Bengal, Mr. Banerjee con-

tinued, created under the Commonwealth will be to unsettle the permanent settlement. How can it possibly do that if you guarantee under your constitution those titles and rights of the people here? If you cannot alter the present eniquitous state of things, your federated India will not be worth having."

Babu SRIPRAKASA (of Benares) moved the deletion of the words "lawfully" with regard to the acquisition of property and suggested the addition of the following clause after the word guaranteed: "Provided that the same had been acquired in a manner still regarded as lawful in the Commonwealth and also provided that such a guarantee shall not be regarded as giving any immunity to any person from the confiscation of the whole or a part of his property however acquired in executing decrees of the courts of the Commonwealth or in fulfilment of such laws as may be passed limiting the extent of private property."

He said that he was not there to carry on a tirade against the rich folk. The purpose of his moving the amendment was to impress upon their minds that whatever gain humanity in its march towards progress had made should be shared by all human beings. It should not be confined only to a few.

Mr. T. BISWANATHAM of Pamil Naidu in moving a similar amendment said that to support the rights of titles lawfully acquired was quite out of place. He suggested that under the present conditions it would be most inconceivable to give guarantee to an exploded section of society. The posterity would not be able to reorganise the society.

Mr. Syed MAHOMED opposed the amendment. While agreeing with the sentiments that were contained in the amendment he pointed out that this constitution was the beginning of India's career as a free nation. They would realise that all the amendments which they were dealing with were really useless and trivial. What they were trying by this amendment was to change the social structure of the country before it started on its political career.

Pandit Madan Mohan MALAVIYA wanted to clear up certain misconceptions. In the first place he said they must not start with the idea that what had been done had been done to placate a particular group of men. They must give those who were serving them this much honesty of purpose that if they agreed to a proposal they had done so after mature judgment.

The object of an agreed constitution was to arrive at an understanding by an agreement. They could establish Government by sword and by negotiations and agreement. He was sure that they did not want that they would divide the landed magnates and the tenants and use force. On the other hand they wanted to adjust differences between themselves in order to establish just and equitable relationship between zemindars and tenants. They had been doing it even under the existing administration. They were not trying to frame a constitution by the result but by an agreement. Did they think that the proposals embodied in the report did not give satisfaction to reasonable men? Did he ask them to agree to anything unreasonable?

What was the proposal before them? It had been suggested that it was a sinister motive that led some of them to put this forward. He, however, thought that they would think better in their calmer moment. He maintained that this was the well-known tradition to be found in every constitution. The first portion related to the procedure of laws. What did

the second clause mean except this that the new Parliament by a law should not say all at once that landed property would be confiscated. This was embodied against the passage of such a law and it did not debar them from making a revision of the settlement law of Bengal and Behar. It was an economic measure which was open to Government to open the question at any time, and if the British Government had hesitated to revise it for more than a century, they would certainly expect their Parliament to proceed with the revision not in a hurry. If, however, it was considered necessary in the interests of the country, if justice demanded that the revision should be taken, then he said that this provision would not stand in their way.

Pandit Malaviya continued :—"If you want to nationalise the land, it will be open to your Parliament to appoint a committee or commission to purchase those lands after offering them a fair compensation and to acquire the whole of the land which they possess by the process of law.

"I do not endorse the view that every title acquired under the present Government is a bad title. Property has not only come down from the British period but from the Hindu period and had been enjoyed under the present administration. Do you want to say that you want to take away these rights? Do you want to say that you will tolerate the idea of your Parliament passing a short law to the effect that all titles to private properties should be extinguished and authorising the executive to take possession of the property they possess? I am glad that you do not.

"Accept if you please, reject if you cannot" thus concluded Pandit Malaviya amidst applause.

The amendments were lost and Pandit Motilal Nehru's resolution was carried.

#### Leaders Leave Pandal to Meet Mr. Jinnah.

At this stage a number of prominent leaders including Doctor Ansari, the Maharaja of Muhamadabad, Sir Tej Bahadur and Pandit Matilal Nehru left the Convention one by one and the dais was practically half vacant. They all left for Grand Hotel where Mr. Jinnah had arrived from Bombay with a view to discuss with him possible solutions of the communal question and incidentally decide the presidentship of the Muslim League regarding which there were several reports in the lobbies and elsewhere. Doctor Besant therefore occupied the chair.

Half an hour later, Pandit Motilal returned to pilot and answer the criticisms levelled at several provisions of the Nehru Report. There were altogether nineteen clauses laying down fundamental rights. Owing to the absence of several leaders, the debate was very tame. Attempts were made to alter those amendments in the report which had been made at the Lucknow Conference.

#### Primary Education and the State.

One amendment related to provision by the State for imparting public instruction in primary schools to children of members of minorities of considerable strength in the population through the medium of their own language and in such script as may be in vogue among them.

Amendments to alter this were lost.

#### Abolition of Corporal Punishment.

Practically all attempts at modifying proposals were unsuccessful. But Mr. Balakrishna Sarma obtained a very large majority at voting time on

his motion that there should be no corporal punishment for any offence in the Commonwealth of India. Pandit Motilal had opposed this, but he and only a few others voted against it.

### Prohibition Question.

The question of prohibition came in for consideration by way of an amendment in sub-clause 17 the effect of which was to provide for prohibition as a fundamental right in the constitution itself.

Mr. C. Rajagopalachari was in charge of the motion and with but a brief speech from him, and another from the seconder, it was carried unanimously.

"It is hardly necessary for me," said Mr. Rajagopalachari, "to remind you that Prohibition is a fundamental part of the American Constitution, and the present opportunity is availed of by me to place before you a similar proposal that, in our constitution which we are framing, Prohibition should be provided for as a fundamental right. We have already provided for universal elementary education and for public health and welfare work. What I propose is that the removal of the drink evil must also find a place in our constitution at the very start. If we want the country to be happy and prosperous with adult suffrage, we must also have drink removed. If we want a sound democracy, we should necessarily undertake the duty of removing those causes that prevent an ordinary man from acting properly.

"It is hardly necessary for me in this Convention to argue the matter. If you want to save the money of the people under the Commonwealth, you must have Prohibition. Every year twenty crores of the poor man's money in this country is wasted over this poison, and therefore if we want to be prosperous, we must have this amendment passed and carried out. If it is not included in the constitution now, it would be impossible in the Central Legislature to adopt any Prohibition at all. It has been put in the schedule as a provincial subject, and therefore it would not be competent for the Central Legislature to deal with it. You know the difficulty with Prohibition in regard to finance. A Provincial Government may not be able to find money. To go to the Central Legislature it would be impossible, because the constitution is against it. And if we desire to amend it, four-fifths majority is a condition. If, therefore, you accept my motion, you will place the burden of making suitable laws upon all Provincial Legislatures and upon the Central Legislature also. I do not think you will find any difficulty in accepting it. The amendment is as follows:—

"It shall be the duty of the Commonwealth to save its citizens from the evil and temptations of alcoholic liquors and intoxicating drugs; and it shall, as soon as possible, after the establishment of the Commonwealth Government, make laws for total prohibition of manufacture and import or possession or sale of alcoholic liquor and intoxicating drugs, except for medicinal or industrial purposes."

Mr. Mufti Muhamad Siddiq seconded the amendment which was put and carried unanimously.

### Control of Judiciary.

The Convention also adopted the addition of a sub-clause to the effect that all courts of law should be within the jurisdiction of the appellate and administrative side of the High Court of Judicature.

The Convention then adjourned to reassemble on the 27th.

## FOURTH DAY—27TH DECEMBER 1928.

The All-Parties Convention reassembled at 3 this afternoon after two days' recess, the adjournment having enabled the All-India Muslim League to meet and elect its delegates to to-day's session of the Convention. Attendance again was very large, and the dais particularly was occupied very fully.

## COMMITTEE'S REPORT PRESENTED:

At the outset Mr. K. M. Munshi of Bombay read the majority report of the Committee appointed on the 24th Dec. to consider the definition of the word "citizen." The majority report was of opinion that the definition of "citizen" as given in clause (c) should be modified in this way: Who being a subject of the Crown ordinarily resides or personally works for gain within the territories of the Commonwealth at the commencement of the Act or fulfils qualifications prescribed by the Parliament for the exercise of the rights of citizenship.

## A Dissident Note.

Mr. S. N. Haji of Bombay made a dissentient note in which he said: As I am of opinion that the discretion of the Indian Dominion Parliament when established should not be fettered by particulars laid down now, regarding the qualifications under which non-Indians can become Indian citizens, I regret that I cannot sign the above report. However, I realise that non-Indians in India should be permitted to become Indian citizens under the Parliament according to the conditions laid down in that behalf....."

He would, therefore, add the words "and fulfils the qualifications prescribed by Parliament for the exercise of the right of citizenship."

## Parsis and the Nehru Report.

Mr. M. V. PATEL, on behalf of the Parsi Association of Bombay known as Mazdayasni Mandal, made a statement in course of which he said: "The Parsi Community appreciate the unquestioned and unquestionable patriotic motives that have inspired Dr. Ansari, Pandit Motilal and others who are responsible for the framing of a constitution for the future governance of the country, which bears clear evidence of assiduous application, strenuous labour and unflagging zeal. But the community cannot help deploring the fact that its very existence has been ignored by the said leaders from the very inception of the moment for framing the said constitution. It is as surprising as it is painful to the community to see itself so completely ignored in the report by the distinguished framers of the constitution.

"The Parsi Community desires to know what would be its position when the Government of the country virtually passes from the hands of the British into the hands of the people. The apprehension entertained frequently by a large section of the Parsi Community in the matter of Swaraj is that if the Indians were granted self-government, the dominant race will by the sheer force of numbers sweep everything before them and the interests of the minor races like the Parsis would considerably suffer.

"The majority of the Parsi Community have now learnt to hate communalism in every shape and form and disdain to ask for or have special communal rights and privileges. They have, as a community, made common cause with the Hindus and the Mahomedans and boycotted the Simon Commission. They have also exhibited sufficient moral courage to give whole-hearted support to the Nehru report in spite of their grievances. They have thrown the weight of their influence on the side of righteousness and justice instead of co-operating with the Simon Commission driven by a cowardly and selfish consideration of communal interests. The Community has also adopted a courteous attitude towards the constitution and have resolved to trust to their own abilities and merits and the leaders' sense of justice and fair play for a share in the government of the country when India is free.

"In conclusion I would request you to have this statement read before the Convention and placed on the records of the proceedings".

Mr. SIDWAI then came forward and stated that the Mandal was a religious body. The body that counted in the Bombay Presidency was the Parsi Panchayet and they had repudiated the idea of co-operating with the Commission in spite of interested move in certain section. On this question he further informed the House that the five Parsi members in the Bombay Council had totally boycotted the Commission. The Parsis did not want any safeguards. They had played their part industrially, politically and socially



and they would stand on their own merits. Even he might say that they did not like the idea of keeping anything on record as stated by the previous speaker. He wanted to impress on them that the statement read came from a religious association and the body that counted was the Parsi Panchayat in Bombay who had boycotted the Simon Commission and adopted the Nehru report.

#### Position of Jamiat-ul-Ulema Hind.

The following letter from the Secretary, Jamiat-ul-ulema of Hind, Delhi, to the Secretary, All-Parties Convention, was then read before the Convention which stated that the invitation received from the Convention was put before the Working Committee of the Jamiat-ul-ulema Hind at the meeting held at Moradabad on December 23rd. The Committee adopted the following resolution :—

"In view of the fact that the Nehru Report Committee was irregularly constituted and has no adequate representation of Moslems in it and that the Nehru Report has not yet been put before and adopted by the Moslem All-Parties Conference, this meeting of the Working Committee does not consider it necessary to elect its delegates to the Calcutta Convention. It only appoints Maulana Mahomed Ali to deliver the report of the Jamiat-ul-ulema to the President or Secretary of the Convention with the message that the Jamiat-ul-ulema Hind is still prepared to send its representatives if the All-Parties Committee in accordance with its principles first procures the demands of different Moslem associations and then fixes a date for the Convention to consider a constitution for India on the basis of mutual understanding".

#### An Amendment to Fundamental Rights.

Mr. Mohammad Masud AHMED (Bazm-e-Sufia) then moved an amendment to article 4, sub-clauses 4 and 5 of the Supplementary Report, deleting the words "for purposes not opposed to public order or morality" and adding "provided this be not of itself opposed to public morality and no one or no community shall be compelled to act against the doctrine and practices of his religion nor shall any one be compelled to do anything because of the religious tenets of any creed or community."

Mr. J. R. BANERJEE (Bengal) in opposing the amendment said that he wanted to oppose the amendment on more than one reason. In the first place the question of public order was of paramount importance. The All-Parties Convention meant an atmosphere of peace. Public peace and tranquillity was to be preserved above all. If the amendment was carried then if anybody preached against the religion of others, which he held religious on his part, public order was sure to be violated. He was sorry that the amendment was moved at all in the Convention.

Mr. Niranjan DAS (Guzranwalla), in opposing the amendment, said that they from the Punjab had come to bury communalism which the amendment wanted to revive. It was very late in the 20th Century to say that religion had anything to play in politics. He was not sure whether the gentleman who had moved the amendment was the representative of any community in the Convention. Punjab which was once the hotbed of communalism had got rid of it only for the Nehru Report. Did the gentleman, asked Mr. Das in conclusion, mean that when they attained Swaraj they would have nothing to do with public peace or morality?

The amendment was then put to vote and lost.

#### Another Amendment Negatived.

An attempt was made by Mr. Mohammad Masud AHMED to add a new clause in the declaration of fundamental rights to the effect that "Muslims shall be subject only to their own personal law in all matters relating to religions or semi-religious observance, Azana, laws of inheritance, guardianship, gifts, wills, legitimacy, marriage, dower, divorce, Waqf, no Government at any time shall have the power to add, alter, amend or otherwise change the above and where the Islamic law requires that any particular matter be adjudicated upon by Muslim judges, only Muslim judges shall adjudicate upon such matters".

There was a brief discussion over it after which it was negatived by an overwhelming majority.

#### Participation of Muslim League.

At this stage Pandit Motilal Nehru announced that the Moslem League and the Khilafat Committee would be represented in the Convention for the first time that day. (Applause). These bodies had not taken part in any previous sitting of the Convention and it would not be convenient for them to discuss the subjects they had already discussed or the new subjects that would come up before the Convention for discussion. He, therefore, pro-

posed that a Sub-Committee of the House be formed to meet these delegates with a view to arriving at certain resolution on the communal questions, or if they could not, they would put forward the various organisations' view-points at the next sitting of the Convention. If they put forward anything without previous knowledge on the subject, there would be difficulty. It would be a mistake to put anything at the beginning and it would be a mistake for the House either to accept or reject that on the spur of the moment. He, therefore, moved that a Sub-Committee of the Convention consisting of 35 members be appointed to meet the delegates from the Khilafat Committee and the Moslem League.

#### Members of the Sub-Committee.

Following were the members of the Sub-Committee:—Mahatma Gandhi, Sir Tej Bahadur, Pt. M. M. Malaviya, Dr. Ansari, Maulana Azad, Pandit Motilal, Dr. Moonje, Mr. Jayakar, Mr. Jayramdas Daulatram, Sardar Sardul Singh, Dr. Satyapal, Mr. Aney, Mr. Dunichand of Lahore, Master Tarun Singh, Babu Rajendra Prasad, Mr. Chintamani, Kumar Gangnanand, Mr. J. L. Banerji, Mr. J. M. Sen-Gupta, Mr. H. N. Dutt, Mr. Palamraj Jain, Mr. J. R. Banerji, Mr. Srinivasa Iyengar, Mr. Vijayaraghavachariar, Sir Ali Imam, Mrs. Besant, Dewan Bahadur Ramchandra Rao and others.

The following were the representatives of the Moslem League: Dr. Kitchlew, Malik Barkat Ali, Dr. Alam, Mr. Zaffar Ali, Hissamuddin and Gazi A. Rahaman (Punjab); Manvi Mujibar Rahaman, Manvi Akram Khan, Mr. Azzul Huq, Mr. A. Karim of Bengal; Maharaja of Muhammadabad, Messrs. Sherwani and Khaliquozzaman, Yakub Ali Khan of U. P.; Mr. Jinnah, Mr. Chagla and Mr. Brelvy of Bombay; Hon. Shah M-i. Zubair and Dr. Mahammad of Behar; Mr. Yakub Hossain and Mr. A. Hilim of Madras; Mr. Nur Ali of Assam and a representative from the North Western Frontier Provinces.

The president then announced that these two committees would meet at the room of Pandit Motilal within half an hour and the committee of the Convention was to report to the open House next day on its work, if possible. The House was then adjourned to give facility to these bodies to discuss the questions affecting the communities.

#### FIFTH DAY—28TH DECEMBER 1928.

Dr. Ansari took the chair at 4-30 and requested the various movers of the amendments to assist him to get the business through, as the delegates were getting impatient and wanted to go home. A number of minor amendments, he suggested, could be dropped as the exact phraseology should be left to a Parliamentary draftsman to arrange. He fixed five minutes for the seconder of amendments, reserving discretion to allot more time in the case of important amendments.

Dr. Ansari next read a communication from Pandit Motilal, which enclosed a copy of the resolution passed by the A.I.C.C. in the afternoon on the constitution recommended by the All-Parties' Committee report and requesting that that opinion be recorded subject to any changes that the Congress might make.

Dr. Ansari next read out the text of the resolution for the information of non-Congressmen.

#### Statement by Khilafatists.

Dr. Ansari then said that he had received two statements, one from those members of the Khilafat Committee who claim to form the majority and who have elected their delegates to join in the Convention and another, a counter-statement by the other members of the Khilafat Committee, appointed by them under his chairmanship regarding the communal question. It was not signed by him as the Chairman of the Committee. It ran:—

"The modifications to the Nehr Report moved by Mr. Jinnah on behalf of the Muslim League and Mr. T. A. K. Sherwani on behalf of the Central Khilafat Committee.

"I. That one-third of the elected representatives of both the Houses of the Central Legislature should be Mussalmans. The Committee could not arrive at any agreement on this point.

"2. That in the Punjab and Bengal, in the event of adult suffrage not being established, there should be reservation of seats for Mussalmans on the population basis for ten years, subject to re-examination after that period, but they shall have no right to contest additional seats. The Committee did not contemplate any such contingency.

"3. That (a) the residuary powers should be left to the provinces and should not vest in the Central Legislature, (b) that Clause 13-A embodied in the supplementary report should be deleted, (c) that the division of subjects in schedules I and II be revised. The Committee was of opinion that the residuary powers should rest with the Central Legislature, but the revision of 13-A and Schedule I and II was not objected to.

"4. That the constitution shall not be amended or altered unless the amendment or alteration is passed first by both Houses of Parliament separately by a majority of four-fifths of those present and then by both the House sitting together by a majority of four-fifths. The Committee approved of the suggestion unanimously.

"5. It was moved that in article IV, about communal representation, delete the words "simultaneously with the establishment of a Government under this constitution." The Committee regrets that it cannot accept it as this resolution records an agreement arrived at by parties who signed it at Lucknow.

"6. Embody the pact regarding communal representation in the Punjab arrived at in Lucknow in the Nehru Report. The Committee had no objection to it if the Sikh members dissented.

So far about the Muslim League and Khilafat Committee members.

### THE SIKHS' DEMAND.

"The members of the Central Sikh League moved that 80 per cent of the seats in the Punjab be reserved for Sikhs. The Committee could not arrive at any agreement on this point. Another suggestion of allowing 11 per cent of the seats with a right to additional seats to Sikhs was also not acceptable even to the Sikhs themselves."

A member asked: Who suggested it?

Dr. Ansari: Mahatma Gandhi suggested it, but it was not acceptable either to the Sikhs or the Muslims or Hindus of the Punjab. Finally, the members of the Hindu Sabha, Bengal moved that seats for Hindus in Bengal be reserved on a population basis, namely, 48 per cent. The Committee did not assent to it.

Mr. Jitendralal Banerjee asked whether it would not be more correct to say that the question was not considered.

Dr. Ansari: I put it mildly. It was really laughed out.

### Rival Khilafat Factions.

After Dr. Alam had read out the two statements, one of his section on the Central Khilafat Committee and the other signed by Moulana Shaukat Ali as Secretary, Central Khilafat Committee, the former claiming the proper 'loens standi' for the fifty delegates who were attending the Convention on the Central Khilafat Committee's behalf, the latter denying all such claims. Dr. Ansari said: "I think if we take up the communal question first and get it out of our way we shall have done a great part of our work. Therefore I will ask Mr. Jinnah to place the resolutions or amendments on behalf of the All-India Muslim League."

### Mr. Jinnah's Statement.

Mr. M. A. Jinnah then said: "The All-India Muslim League passed a resolution appointing 23 delegates and in accordance with that resolution we attended this Convention yesterday. You were pleased to appoint a committee with a view to consider what we have to place before this Convention eventually. The resolution of the League is important and I will read it to you. (For text see proceedings of Muslim League in Vol. II.) The Committee, which you appointed, met yesterday and we sat up last night, I believe, till half past one or two and I am told some remained even later,

The result, I am sorry to say, is not very fruitful, and therefore I would like to draw your special attention to the points which were discussed and which I am going to place before you. The points are given in the report of the Committee.

Mr. Jinnah explained the reasons which he had given for the support of the points put forward on behalf of the League. He said he could not get back home last night till 3, but he was sorry the discussions were not very fruitful. He first referred to their demand about one-third elected seats being reserved for Muslim representatives in the Central Legislature. He said: "The Nehru Report has stated that according to the scheme which they propose the Muslims are likely to get one-third in the Central Legislature and perhaps more, and it is argued that the Punjab and Bengal will get much more than their population proportion. What we feel is this. If one-third is going to be obtained by Muslims then the method which you have adopted is not quite fair to the provinces where the Muslims are in a minority because the Punjab and Bengal will obtain more than their population basis in the Central Legislature. You are going to give to the rich more and keeping the poor according to the population. It may be sound reasoning but it is not wisdom. I tell you why. I know we are living in an age where we are talking of democracy and where we count heads, but besides heads there may be other considerations. I am taking, for instance, a province like Madras, which has got six per cent of the muslim population and in a total number of 500 representatives Madras will not get in the Parliament more than 2 or 3 seats. Now it is very desirable that such adjustment should be made that you give something more to the provinces like Madras, because it is not merely a question of vote, but you have to get representatives who, coming from different parts of the provinces, will be able to know the conditions in those parts. We know, in a legislature it is of great importance that a man must be able to put his facts and his arguments to persuade it if his case is fair and just.

Therefore, if the Muslims are, as the Nehru Report suggests, to get one-third, or more, they cannot give the Punjab or Bengal more, but let six or seven extra seats be distributed among provinces which are already in a very small minority, such as, Madras and Bombay, because, remember, if Sind is separated the Bombay Presidency will be reduced to something like 7 or 8 per cent. There are other provinces where we have small minorities. This is the reason why we say fix one third and let it be distributed amongst Muslims according to our own adjustment, and that is why we say that.

Mr. Jinnah next referred to their second demand that, in the event of adult suffrage not being granted, the Punjab and Bengal should have seats reserved on a population basis and no more, subject to re-examination at the end of ten years. He said, "You remember that originally proposals emanated from certain Muslim leaders in March 1927 known as the 'Delhi Proposals.' They were dealt with by the A.I.C.C. in Bombay and at the Madras Congress and the Muslim League in Calcutta last December substantially endorsed at least this part of the proposal. I am not going into the detailed arguments. It really reduces itself into one proposition, that the voting strength of Mahomedans in the Punjab and Bengal, although they are in a majority, is not in proportion to their population. That was one of the reasons. The Nehru Report has now found a substitute and

they say that if adult franchise is established then there is no need for reservation but in the event of its not being established we want to leave no doubt that in that case there should be reservation for Muslims in the Punjab and Bengal, according to their population, but they shall not be entitled to additional seats. (There were some interruptions to which Mr. Jinnah replied: "Please do not interrupt me. I cannot argue with you all individually.")

Mr. Jinnah next dealt with the League's objection to Clause 13 empowering the Central Government to suspend the provincial constitution, with the question of residuary powers which they should grant to provincial Governments, and the revision of schedules laying down the Central and Provincial subjects.

A member asked why Mr. Jinnah was being given so much time.

Dr. Ansari: It is a very material issue and I will give Mr. Jinnah the fullest latitude to express his views (cheers).

Mr. Jinnah, resuming, said, "Gentlemen, this is purely a constitutional question and has nothing to do with the communal aspect. We strongly hold—I know Hindus will say Muslims are carried away by communal consideration and Muslims will say Hindus are carried away by communal consideration—we strongly hold the view that, if you examine this question carefully, we submit that the residuary powers should rest with the provinces. I do not say it is not possible to mind to it and we favour a system which will give the residuary power to the Provinces and not to the Central Legislature".

#### Separation of Sind.

Mr. Jinnah next announced that there was unanimity that no change be made in the constitution without a four-fifths majority of either House separately and again a four-fifths majority of the two Houses. They had moved the deletion of words which stated that Sind be constituted into a separate province only on the establishment of the system of Government outlined in the report. Mr. Jinnah commented: "We feel this difficulty. We do not know when this will fructify and I think this House will agree that we shall have to go through a struggle before we see the realisation of that vision and if you want me to be a party to this agreement then I want you to understand me.

"Supposing the Government choose, within the next six months, or a year, or two years, to separate Sind before the establishment of a Government under this constitution. Are the Mahomedans to say, 'we do not want it.' If that is your intention, I agree that so long as this clause stands its meaning is that Mahomedans should oppose its separation until simultaneously a Government is established under this constitution. We say delete these words and I am supporting my argument by the fact that you do not make such a remark about the N. W. F. Province. Supposing the Government introduces reforms in the N. W. F. Province, are you to say, am I to say, no that province is to remain on the same footing as other provinces? The Committee says it cannot accept it as the resolution records an agreement arrived at by parties who signed it at Lucknow. With the utmost deference to the members of that Committee I venture to say that that is not valid ground. There may have been certain persons at Lucknow, who were present at that Conference and may have signed it, either in a personal or a representative capacity. The Muslim League was not represented. Various other organi-

sations present here to-day were not represented. Are we bound, in this Convention, bound because a particular resolution was passed by an agreement between certain persons? I venture to say that this Convention is not so bound. Are you entitled to say because A. B. C. D. came to this agreement therefore I am out of court here, which I consider the supreme court? As far as this Convention is concerned I therefore say that this is not valid reason and it is within your jurisdiction to make any modifications you think proper." Finally, Mr. Jinnah referred to what he thought was a slip, the proviso in the Punjab Hindu-Muslim agreement being omitted from the supplementary report stating that the settlement was acceptable on the basis of a scheme of adult franchise only.

Dr. Alam supporting Mr. Jinnah in a sentence, appealed to the good sense of the House.

#### Dr. Sapru's Reply to the Criticisms.

Sir Tej Bahadur Sapru said he was leaving that night for Allahabad and would express his views on the various points raised by Mr. Jinnah. As one who was intimately associated with the preparation of the Nehru Report under the leadership of his distinguished friend Pandit Motilal, he assured them that every point of view was studied. "We were actuated by one main desire, namely to bring about the maximum amount of unity (Hear, hear). Many parties, which belong to different schools of thought which have worked during the last eight or ten years on different platforms, were prepared to co-operate with one another in evolving a constitution not merely for our day but for posterity (hear, hear). That was the spirit in which we approached our task. You can easily imagine how if the report had come to be written by people of one school of thought belonging to any one of the organisations, it would have been very different. It was you who were responsible for the Committee. The responsibility rests much more heavily on the Congressmen who invited members of other political parties to join in producing a scheme carrying the greatest amount of agreement. Do not therefore judge the scheme from a narrow point of view of party politicians. The report was written in a spirit of Indian nationalism to remove disunity which is disfiguring our public life and to restore harmony in certain matters, so that we may work shoulder to shoulder in regard to those matters. It was only after the most careful and fullest discussion that we settled on the ideal or objective of Dominion Status.

The next question was as to the means to be adopted for attaining that end. On that there was complete agreement. We did not disguise from ourselves the position, which I trust will be realised by every one of you, that there can be no greater self-deception on the part of any one, be he a Congressman, Liberal, Independence man, Hindu Sahhaite or Muslim Leaguer, that it is impossible for India to achieve Dominion Status, not to speak of Independence, if there is not complete harmony on broad principles between one community and another community. Therefore the essence of the whole problem was the communal question and, when we approached it, we had in mind the Delhi proposals and others made in other quarters. We tried to explore as many avenues as possible and came to the conclusion that the only possible way of solving it in India was by taking courage in both hands and going headlong towards what I consider to be the most democratic state, namely to adopt adult franchise, so that each community may stand on a perfect equality with the other. That being the position, it followed that the

Mahomedan community should get representation in the Central Legislature in proportion to its numerical strength in the whole of India. That was a logical position and we adopted it logically. If you examine the figures you will find that, including nominated members, Muslim representation in the Central Legislature is 27 per cent and Mr. Jinnah wants 33. In making the observations that follow I am not in the slightest degree disloyal to the Chairman nor am I departing from the Nehru Report. At the same time it seems to me that you are faced with an occasion when the first and last question should be to bring about unity. Even at the sacrifice of the reputation for being logical I would rather lose my reputation than imperil the success of this Conference. Gentlemen, remember it is not only our own countrymen but the whole world is watching you. If you leave this paralytic with failure you will have done a great damage to the country from which it may not recover for a quarter of a century. The simple position is that for the sake of settlement you are invited by Mr. Jinnah, however illogically and unreasonable, to agree to this proposition, which I consider is not inconsistent with the Nehru Report (voices "no, no" and some interruptions). Speaking for myself I would like you to picture Mr. Jinnah, whom I have known intimately for fifteen years. If he is a spoilt child, a naughty child I am prepared to say, give him what he wants and be finished with it. I am going to ask him to be reasonable but we must, as practical statesmen, try to solve the problem and not be misled by arithmetical figures.

Touching the question of reservation of seats in the Punjab and Bengal as an alternative, Sir Tej Bahadur said he would not put forward an alternative but if a better alternative could be suggested he was open to adopt it. He hoped that Mr. Jinnah would reconsider his position on the point.

As regards the residuary powers many eminent Mahomedans had suggested that those should be left with the provinces. Dr. Sapru warned them against being misled by the examples of other countries, for in the case of U. S. A. the President and in the case of Switzerland, an irremovable Executive, were the chief centres of gravity, while an Australian statesman already thought their forefathers had made a mistake in giving the residuary powers to the provinces. "Having regard to the peculiar position of India it would be unwise to vest these powers in the provinces. The constitution we have devised is neither federal nor unitary. It is both. As a constitutional lawyer I feel that even if Hindus are prepared to agree I would warn them on this point: 'Do not allow your mind to be misguided by the fact that in certain provinces you will have a Hindu majority and in others a Muslim majority.' (Hear, hear). Personally I feel that in spite of many suspicions you may have, you will have to pool together your energies. If you have the spirit of distrust and suspicion let me tell you it is no use evolving your constitution. You have got to take certain risks and these must be taken in a spirit of abundant faith and hopefulness".

Sir Tej Bahadur Sapru agreed with Mr. Jinnah that Clause 13-A regarding the suspension of a provincial constitution was susceptible of improvement and the two schedules regarding provincial and central subjects could also be modified.

As regards Sind, this Convention had of course full authority to upset any arrangement arrived at at Lucknow, if it so wished.

Sin T. B. Sapru concluded with the appeal: "I beg of you to remember the supreme character of this occasion. For the nation's sake do not allow your mind to be affected by narrow considerations of the expediency of the hour or by bitter memories of recent conflicts, but approach it from the point of view of the future, of posterity. If you do so, whatever may be your political differences in the matter of programmes, you will tell the world that so far as the constitution of India is concerned, the political parties stand shoulder to shoulder with each other". (Applause).

The President said that there were five points which Mr. Jinnah had placed before them and he proposed to deal with these five points first.

#### Mr. Chintamani Explains Liberals' Attitude.

Mr. Chintamani, with the permission of the chair, at this stage announced the decisions of the organisation he represented, namely the Liberal Federation. The Council of the Federation had decided that on the question of the residuary powers resting with the Central Government or Provincial Governments every member of the Federation attending this Convention should vote for the residuary powers residing in the Central Government and not in the Provincial Governments. On the other questions under discussion the Federation had not issued any mandate and every member was free to take his own line of action and for doing this he would not be liable to the accusation of disloyalty, but the Liberal Party had advised the members attending the Convention to act with a feeling of national well-being and bring about harmony, to which all other considerations were to be subjected. They should, therefore, vote for the Nehru Committee Report. If, however, on any point there was any other agreed settlement then they should vote for that agreed settlement.

#### Indian Christians' Views.

Mr. Rallia Ram, representing the All-India Indian Christians' Conference, in opposing Mr. Jinnah's demand for reservation of seats for Muslims, said: "I am sorry that I have to tell you that I am an 'Indian Christian' for I feel that the time has come when people should leave their religion at home and enter this Convention as Indians and Indians alone." He held that they had tried the method of communal representation, which had not only failed to bring about national unity but was eating into the very vitals of national life. If the Muslim demand for reservation was accepted then other minority communities, like the Sikhs, the depressed classes, and his own community, would claim separate representation. One method having failed let them try another experiment. If it did not succeed it was open to them to revise it after a fair trial. He failed to see how religion and politics could be mixed together, when in their private life and every-day dealings they never paused to think whether they were dealing with Mahomedan, Hindu or Christian businessmen but got their goods from the cheapest source without consideration of caste or creed.

Rev. J. R. Banerjee spoke in the same strain. He said, to their bitter experience, communalism had been responsible for untold evils. He failed to see how the giving of one-third of the seats in the Central Legislature would help in the building up of national life. He, therefore, appealed to the House to resist that policy which was "eating into the vitals of our national life,"



## Sardar Mahtab Singh's Warning.

Sardar Mahtab Singh, in opposing the demand for the reservation of seats, said there could be no doubt that communalism was an evil. No sane man in India believed in communalism.

Mr. Jinnah: Thank you, very much.

Sardar Mahtab continued that they had been asked to vote for expediency rather than for principle, but the speaker held that when it came to a conflict between principle and expediency it was the latter that ought to be given the go by and not the former. The Muslims wanted representation on a population basis in the provinces in which they were in a majority and in excess of their share in the Central Legislature in accordance with this principle. He could not reconcile these two. Why should one principle be applied in one place and a different one in another? If the Muslim being the younger brother, wanted generous treatment at the hands of the elder brother namely the Hindu, why should not the Sikhs, being the youngest brother, be treated still more generously? On the basis of sacrifices in the cause of freedom of the country the Sikhs were entitled to better treatment. Sir Tej Bahadur Sapru had absolutely ignored the Sikh question because he knew that his position was untenable. Even Pandit Malaviya at Gujranwala said that the objections of the Sikhs were unanswerable. (Pandit Malaviya: "And I repent it to-day".)

The speaker continued that the Sikhs were willing to forgo their rights for the sake of doing away with this pernicious system although they were entitled to better treatment than had been accorded to them in the Nehru Report. The speaker concluded: "We are the gate-keepers of India, sitting in the Punjab and are always ready to serve you, but you should not insult us. You are kicking us out of the Congress and if you are going divide India into a Hindu India and a Muslim India there ought to be some patch given to Sikhs also."

## Mr. Jayakar's Appeal.

Mr. JAYAKAR then made an impressive speech which was said on all hands to have had a great bearing on the voting on the amendment of Mr. Jinnah in regard to the reservation of seats for Muslims in the Central Legislature. He said he was sure that in venturing to speak on this subject, he would add to his evil reputation as a communalist. The word "communalism" had acquired a most extraordinary significance in these days. "If I venture to speak of the rights of Hindus I am a communalist, but if a Mussalman, with nationalistic tendencies, fights for the rights of Muslims he still remains a nationalist." He had listened with great attention to Mr. Jinnah and congratulated him on the lucidity and grit with which he had put the Muslim demands. Sir Tej Bahadur, the speaker believed, was not serious when he described Mr. Jinnah as a spoilt child. He had known Mr. Jinnah for over fifteen years as a colleague and his mentality was not such that if the demands of that "naughty boy" were not acceded to he would break away or run away from them. He had put forth the demands of the Muslim League and he had every right to be heard.

The question they had to consider was how far legitimately the interests of Mussalmans were to be safeguarded, how far they had been safeguarded in the Nehru Constitution and how much more they required to be safeguarded. "Let me sound another warning. I am not here as a representative of the Hindu Mahasabha but as one of the signatories of the Nehru Report,"

When Pandit Motilal first invited him to join the Nehru Committee he had humbly pointed out to him that the time was not ripe for any attempt at constitution-mongering, because the right mentality in which the Hindus and Muslims could sit together had not yet come.

While on this topic he referred to a talk he had with Mr. Jinnah in Bombay.

Mr. Jinnah intervened: "Sir, it is not usual to disclose private conversations, because, I think, in my turn I can say certain things which may not be very nice. The principle of it is wrong".

Mr. Jayakar: "I am not disclosing any private conversations".

Mr. Jayakar continued that they had rushed into a communal settlement at Lucknow. The Muslim League, somehow or other, for some reason or other, kept out of it. There was a lot in the Nehru Report with which the speaker and many of his friends did not agree but they had decided to stand by it, because, as Sir Tej Bahadur said, behind it lay the greatest common measure of agreement in the country. The four main principles on which that communal compromise was based were, first, that no other community except Mussalmans was going to have representation by reservation of seats, second, that this representation was on the basis of adult suffrage and third that no majorities were to have reservation of seats and fourth, minorities were to be recognised only in the provinces of N. W. F. and Sind. When it was remembered that everywhere else minorities were to have no reservation of seats at all, it was not a question of logicity but they must recognise that these were the four pillars on which the evidence of the report stood. If they took away one brick the whole structure would collapse. Then again the parties to the communal pact had accepted it as a whole and if any alteration were made they were liable to back out of it. He did not object to the Muslims getting a few more seats, but he warned the House that already it was with difficulty that the speaker was keeping back the disturbers in his camp, who might break away if any violent departure from the pact was attempted.

The speaker had known Mr. Jinnah as a patriotic man and he had no doubt that even if the demand of his community were not accepted he would not break away from them but bring the Muslim League with him.

Mr. Jinnah intervened: But will the League come with me?

Mr. Jayakar: You will do your best for it.

Mr. Jayakar proceeded that there was no use in hiding the fact that all amendments put forward by Mr. Jinnah had their origin in a communal spirit. They were based on the suspicion with which the whole atmosphere was surcharged. If they wanted to go about their task they must do so in an atmosphere of mutual trust and must be prepared to take certain amount of risks.

Mr. Jayakar concluded amidst loud applause that the occasion when the Liberal Federation was joining hands with them had come after 50 years and therefore he appealed to the House not to wreck the noble edifice in the erection of which that body had joined them.

#### Mr. Jinnah's Reply to the Debate.

Mr. JINNAH, replying, said the reason why no other delegate from Muslim League was going to take part in this debate was that they had not come to the Convention for the purpose of arguing or debating or for giving reasons why they had come to their conclusions. It would raise a controversy.

It would create bad blood. Some people would not like it. The point to consider was this—that communalism existed in the country, not the point who was to blame for it. They had to very carefully consider it. Nasty remarks served no purpose. Mr. Jayakar had said that if the arrogant demands of the Muslims (Mr. Jayakar: "I never said that. I referred to the arrogant section behind all parties").

Mr. Jinnah: "I am very sorry. I misunderstood you."

Mr. Jinnah continued that the remarks about his being a spoilt child made by Dr. Sapru had been misinterpreted by others. He understood Sir Tej Bahadur and therefore did not mind those remarks. It was a question whether this party or that party would run away. "I have put the proposals before you. I hope Mr. Jayakar and others will agree with me that when a nation is struggling for freedom, when people are under a foreign rule and they are struggling for freedom, you have to face the problem of minorities and any constitution you will frame will not receive the support of minorities unless they can feel that they are secure. The security of the minority was the test". Reverting to the question of the Muslim League not taking part earlier in the All-Parties Conference he said: "it was not correct. The Council of the League had appointed a Committee in February last and it attended the All-Parties Conference till the 17th March."

Mr. Jinnah continued: "I am not here to-day to express my opinion as to whether the Constitution ought to have been framed or not, but we have obtained the greatest common measure of agreement and I want to ask Mr. Jayakar to consider whether he wants to make it greater or not. We are engaged to-day in a very serious and solemn transaction. It is not merely for any organisation to come and say, 'Yes, we agree to it.' We are here for the purpose of entering into a solemn contract and all parties who enter it will have to work for it and fight for it. Therefore it is essential that you must get not only the Muslim League but the Muslims of India, and here I am not speaking on this question as a Mussalman, but as an Indian, and it is my desire to see that I get the seven crores of Mussalman to march along with me in this struggle. Would you be content with a few? Would you be content if Jinnah would say, 'I am with you?' Do you want Jinnah or do you want the Muslim community? You must remember that the two major communities in India (I say this without the slightest disrespect for other communities like the Sikhs) are Hindus and Mussalmans and naturally, therefore, these two communities have got to be reconciled, united and made to feel that their interests are common and they are marching along together. I want you, therefore, to have that statesman-ship which Sir Tej Bahadur Sapru described. He says you must not allow this to be broken up for small differences. Not that *You* are asking *Me* to give something. It is I who am asking *You* to give *Me* something. I am not asking this because I am a "naughty child". I give you an historical instance".

Mr. Jinnah then proceeded to show from the constitutional history of Canada and Egypt that the minorities were always afraid of majorities and that in those countries the majorities had been given representation in excess of their population strengths.

Mr. Jinnah proceeded: "I do ask you once more to consider this question of the security of the minority before you can expect to carry it with you. Please don't think that I am threatening you, because I am liable to be misunderstood. If we don't settle this question to-day we will settle it

to-morrow. We are sons of this land, we have to live together. We have to work together and whatever our differences may be let us not arouse bad blood. If we cannot agree let us agree to differ, but let us part as friends. Nothing will make me more happy than to see Hindus and Muslims united. I believe there is no progress for India until Muslims and Hindus are united. Let not logic, philosophy and squabbles stand in the way of your bringing that about".

#### Amendments Lost.

The Chairman then put all the amendments of Mr. Jinnah to vote. They were all lost by a majority, excepting two—one about the restriction about the alterations of the constitution unless passed by a four-fifths majority in either house and also in both houses sitting jointly and the other with regard to the incorporation in the draft constitution of the proviso in the Punjab Hindu-Muslim agreement of Lucknow. Thus his proposals regarding one-third representation in the Central Legislature, about residuary powers and about an alternative to adult franchise, were rejected.

The President asked any body who wished to record his protest but none responded. The President wished to proceed with the consideration of the Sikh case, but as the house was getting impatient he adjourned the Convention till Sunday the 30th December.

#### SIXTH DAY—30TH DECEMBER 1928.

The National Convention reassembled on this day with a poor attendance. Dr. Ansari urged the Convention for a quick disposal of business, lest the attendance should further thin down, making it a farce.

On behalf of the Central Sikh League, Sardar Mehtab Singh moved an amendment to the communal portion of the Nehru Report to the effect that communalism should not be made the basis of the future policy of India in any shape or form, direct or indirect, and that the Nehru Committee Report should be amended accordingly.

Dr. Ansari, after consulting Mr. Vijayaraghavachariar, ruled this out of order.

Sardar Harnam Singh then, on behalf of the Central Sikh League, read out a long statement, announcing the League's withholding of its support from the Nehru Report and not to take any more part in the proceedings of the Convention as the League did not want to waste the time of the Convention by pressing amendments to the Nehru constitution. The statement said :—

#### Sikh League's Statement.

"There are three amendments standing in my (Sardar Harnam Singh's) name. As you will find, they relate one and all to Sikh representation in the various Legislatures of the country and are quite innocent in their character. But I fear that the high-strung feelings of communalism of some may stand in the way of their recognition and acceptance at present. The Sikh League delegates also appreciate the difficulty of the leaders who, on account of the strange coincidence of circumstances and the obduracy of certain interested parties, find themselves helpless at the present moment.

"Mr. M. A. Jinnah rightly observed the other day that the test of a good constitution is the security of minorities that it affords. But the trouble is that this wise counsel is not adhered to in the case of Sikhs.

"Permit me, Sir, if I say that all this is being done advisedly and of purpose. Be that as it may, the Sikh League will ever be prepared to work shoulder to shoulder with their fellow-countrymen for the emancipation of Mother India and shall do their utmost to break the shackles and trammels of the foreign yoke. My amendments in substance read as under :—'In the Punjab there shall be 30 per cent reservation of seats for the Sikh minority and the Sikh representation from the N. W. F. Provinces and Baluchistan shall be adequate and effective'. These are the three amendments and before proceeding further it will be proper to summarise the position of the Sikhs, especially in the Punjab and generally in India.

"Historically the Sikhs were rulers of the Punjab, the Frontier Province and Kashmir before the advent of the British. In the Punjab, they pay 40 per cent of land revenue and canal charges, which is the chief source of the provincial exchequer. They have always supplied one-third manpower in the Punjab and one-fifth throughout India to the Indian Army. Besides, Sikhism had its birth in the land of five rivers and thousands of Sikh shrines and holy places, with millions worth of charitable endowments attached thereto, are scattered far and wide in this province. In a word, their political and economic importance cannot be exaggerated and they have admittedly the highest stake in the Punjab although they form 11·1 per cent of the Punjab population.

"It is, therefore, necessary not only in the interests of the success of the scheme which the Convention may eventually evolve for the governance of the country, but for the harmonious development of Mother India, that all these aspects are scrupulously kept in view, while the Nehru Report recommendations are still on the anvil. Under the existing system, they have their separate electorate and are given 19 per cent of seats in the provincial Council, although their voting strength is 25 per cent. Their representation in the Central Legislature is 25 per cent of the Punjab contribution to the same.

"But the fact must not be lost sight of that in order to ensure adequate and effective representation for them consistent with their position and importance, they have always claimed that a much larger share in the various legislatures of the country is their just and appropriate portion. And here it will not be out of place to add that both responsible officials and Congress leaders have conceded from time to time that the Sikh demand is in substance and spirit a perfectly just and fair demand. Some time ago 25 per cent reservation of seats in the Punjab Legislature was proposed for them by some Congress leaders, but this they would not accept. It is needless to add also that throughout the communal controversies that have raged around the question of representation in the legislatures during the recent years, they have always relied upon due recognition and just appreciation of the question of Sikh representation by their Hindu and Muslim brethren and have even stood by the national movement, doing their utmost to help the national cause. And it will not be presumptuous to add here that the Sikh sorrows and sufferings in the national cause during the recent years are much more than 20 times their proportional share according to the population figures.

"When saying all this, the Sikhs do not wish to make any proposals in a spirit of narrow-mindedness. They are fully aware of the imperative necessity of healthy national growth in the country and are always ready to co-operate with their sister communities for the development of a united nation on lines purely nationalistic. They are prepared to make all sacrifices in the national cause, provided the virus of communalism is eradicated root and branch from the Indian body politic and communal considerations in any shape or form, direct or indirect, do not prevail in the making of Indian policy. But it has pained the Sikh community to find that the recommendations of the Nehru Report are all conceived in a spirit of communalism and the Sikhs apprehend that the Report tends to have the way for another communal war. How the Congress-League Lucknow compact of 1916 ruthlessly trampled upon the right of Sikhs is a matter of history. The Sikhs have again received the rude shock of having had to realise that those alone who talk the loudest and manoeuvre agitation most are listened to, however inequitable their demand may be. That the Report tends to keep alive communalism in various shapes and forms in the country resulting in inequitable divisions of power among the two major communities in India is manifest from the following recommendations :—

"(1) Creation of communal provinces and thus dividing the country into a Hindu India and a Muslim India (vide page 31 of the Nehru Report).

"(2) Adumbration of the principle of adult suffrage with a view to ensure that the numbers of electors of various communities may bear the same ratio to each other as the population figures of these communities and making it a part of the communal recommendations quite inseparable from them. That the recommendation of adult suffrage is based on communal considerations the following excerpt from the Nehru Report page 92 will conclusively prove :—'At present the voting ratio between the different communities is not the same as the population ratio. Thus in the Punjab, although the Muslims outnumber the Hindus and Sikhs combined, the number of their voters is far less than the Hindu and Sikh voters. This is due to the superior economic position of the latter. We are strongly of opinion that this anomaly should be ended and the voting ratio should be made to correspond with the population ratio. With adult suffrage this happens automatically. But with any other restricted franchise the only possible way to do it is to have different electoral qualifications for different groups and communities. We are thus driven to the conclusion that the only solution is adult suffrage and we have recommended accordingly.

"(3) Extension of the same form of Government to the N.-W. F. Province and Baluchistan, as in the other provinces in India on grounds purely communal in a spirit of bargaining to pay the price of Muslim acceptance of joint electorates.

"(4) To crown all, the questions of amendment of the constitution and form of Governments, whether unitary or federal, have also acquired a communal aspect and they are being approached from that point of view.

"Under the circumstances, the Sikhs in view of the prevalent communal mentality find their interests seriously jeopardised and consequently reiterate their demand that in view of the admitted political, historic and economic importance of the Sikhs in the province, it is absolutely necessary to provide adequate and effective representation for them in the Legislatures of the country by reservation of at least 30 per cent. seats in the Punjab Council and

the same proportion of representation from the Punjab to the Central Legislature of the country on a system of joint electorates with plural constituencies so that no one community may be in a position to dominate over all the others.

"On this question of Sikh representation I would like to have invited the discussion of the House on these amendments, but after the lengthy discussions in the sub-committee of the Convention appointed by this House to meet the delegates of the Muslim League and the Khilafat Committee and the adoption of the Muslim statement made at Lucknow as the Punjab pact in spite of the Sikh dissent, it has been deemed advisable not to waste your precious time by formally proposing the same. Permit me, therefore, to declare on behalf of my party that the Central Sikh League withholds its support from the Nehru Report and feels constrained not to take any more part in the proceedings of the Convention."

A dozen members of the Sikh League led by Sardar Mehtab Singh walked out after the statement was read.

#### Namdhari Sikh's Statement.

Sardar Gurdial Singh on behalf of the Namdhari Sikh community, supporting the communal solution embodied in the Nehru Report, said: "We Namdharis, after giving our careful consideration to the communal problem, have come to the conclusion that so long as the system of communal representation remains a part of our constitution, there can be no real progress towards the evolution of one Indian nation. We are further of opinion that the minority interests can not be protected by this system, as it has already done more harm than good in this matter. Under the circumstances, the best solution of the question is that representation should be purely on national lines. We are sorry to see that the Nehru Committee has not recommended abolition of communal representation throughout the country. We are, however, glad that this system has been abolished altogether in the Punjab. There is a section of Sikhs who want to retain it in our province. We regret to say that we cannot see our way to associate with our brethren in their demand for a continuance of communal representation. We stand for pure nationalism. In the end, we beg to state that we accept the solution of the communal question as contained in the recommendations of the Nehru Committee, as we think that under the present conditions there could be no better settlement among the various parties in the country".

#### Discussion of Amendments.

After the Sikhs had walked out and Sardar Gurdial Singh, on behalf of the Namdharis, had accepted the communal solution of the Nehru Report, Mr. K. L. Raliaram (Indian Christian community, Punjab) moved that the Sikhs should be given the same privileges in the matter of representation to provincial and central Councils as the Muslims and other minorities in the Punjab, the North-West Frontier and Baluchistan. He said if they gave separate representation to one community they should do the same for others. The Sikhs in the Punjab were perfectly justified in asking for a separate representation, if it was given to other communities, especially as they contributed largely to the man-power of the Indian Army.

Mr. Satyanti seconded the amendment.

An interesting discussion followed, in which divergence of opinion was expressed. Mr. Biswas in moving an amendment said that all the minority communities should be treated alike.

Pandit Gaurishanker Misra thought that reservation of seats for the minorities had been disposed of generally when Dr. Ansari had ruled three days ago that only the Sikh question would be considered after Mr. Jinnah's amendment had been disposed of.

Mr. Nariman (Bombay) speaking on behalf of the baby community of India (the Parsis), urged against separate reserved electorates. He quoted the example of his own election to the Bombay Council with the support of other communities and exhorted: 'Trust begets trust'. The Nehru Committee had made a great blunder in agreeing to reservation of seats and there should be no additional blunders to it.

Dr. Alam said that the position of the Sikhs could only be defined by a compromise between the different communities in the Punjab just in the same manner as the Mahomedans generally came to a pact with the Hindus at Lucknow. As long as the Nehru constitution stood the Sikhs had no alternative but to ask for a modification after an agreement amongst the communities in the Punjab.

Mr. Dharambir Singh, supporting Mr. Raliaram's amendment, asked the Convention not to punish the Sikhs simply because they did not make so much noise as the Mahomedans.

Pandit Malaviya generally agreed with Dr. Alam. As one who had attended the Gujranwala Conference of the Sikhs, he pointed out that the Sikh demand was a just one and it would be better if, as Dr. Alam had suggested, the demand was settled firstly in a Conference between the Hindus and Mussalmans and Sikhs in the Punjab. He commended the example of Sardar Mangal Singh who honestly believed that nationalism and not communalism was the way to Swaraj. He was glad that the Hindus of the Punjab were willing not to raise the question of reservation of seats for themselves.

Mr. N. C. Sen-Gupta said that the suggestion that the economic basis should not ever be allowed to come to the front and that they should go on fighting on the basis of communal interests was futile.

Maulana Zafar Ali Khan made a sentimental appeal to the Sikhs not to demand reservation of seats.

#### Pt. Nehru's Appeal.

Before the amendments of Mr. Biswas and Mr. Rallia Ram were put to the vote, Pandit Motilal addressed the House. He said :—' You have had the reasons for which we have not included the Sikhs in the communal problem in the report itself. You will no doubt recognise that the Punjab presents very peculiar features, which are not present in the other provinces. The Punjab has defied solution because there were three communities. The device of reservation was a wholly impracticable problem in the Punjab. The Sikhs had every right to ask them why should they depart from the accepted principle in this case. The Sikhs were no party to the Punjab pact between the Hindus and Mussalmans at Lucknow. Although two nationalist Sikhs had signed the pact, the Sikh League, as a body, had not associated itself with that pact. They had obtained the highest consensus of opinion in favour of the communal settlement, as it stood, and therefore asked the House not to disturb that arrangement. He had been told that the Sikhs were not present and therefore, the acceptance or rejection of the amendments would not matter. They were not there to sit as judges but to obtain the highest consensus of all parties and, even if they passed amendments, would the Sikhs



be prepared to accept it? He, therefore, appealed to them to think twice before disturbing the pact on which the whole scheme rested.

The amendments being put to vote were lost by a majority. The Convention was postponed till the next day.

### SEVENTH DAY—31ST DECEMBER 1928.

#### THE BENGAL HINDUS' DEMAND.

On this day the National Convention resumed discussion on the communal part of the Nehru Committee's Report. The attendance was very thin, there being only about 200 members.

The special committee appointed a few days ago to discuss the question did not assent to the Bengal Hindus' demand for reservation of seats in the Legislatures. Mr. Jitendralal BANERJEE, however, moved that seats for the Hindus in Bengal should be reserved on the population basis.

He held that, according to the Nehru Committee's recommendations, in the Bengal Council the Muslims would be able to obtain 255 seats and the Hindus would be able to send 210. But as the character of the population of the districts varied, unless seats were reserved for the Hindus, they would not be able to send in more than 150. Thus, the Mahomedans would get 60 more than their due share and the Hindus 60 less, which meant 120 seats more in favour of Mahomedans. The Hindus of Bengal would not have cared for having seats reserved for themselves if communal representation was completely abolished and if the Mahomedans had given up asking for reservation of seats in certain provinces. But the Nehru Report acknowledged the principle of communal representation and kept alive the feeling of bitterness and suspicion. If the Nehru Report recommended the reserving of seats for the minorities in certain provinces more than their share, then indeed the case of Bengal Hindus for reservation became overwhelming, because the Hindus were in a minority in several districts of east and north Bengal and even in certain districts of west Bengal. He mentioned as instances the districts of Mymensingh and Bogra.

Mr. N. Sen-Gupta, who comes from Mymensingh, opposed the amendment. He agreed that the feeling among the Hindus there was strong in view of the fact that they had been swept away by the Mussalmans in the elections to district boards. But it must not be forgotten that in some districts the Hindus had swept the boards. That being so, it should not be regarded as a calamity that because the Mahomedans at the last elections had come in very huge numbers, therefore they should seek reservation of seats in the Legislatures—a principle which ran counter to the progress of nationalism.

The President (Dr. Ansari) put Mr. Jitendralal Banerjee's amendment to the vote and found that the majority was in favour of it. Before declaring the result, Dr. Ansari appealed to the House to realise the serious consequences of carrying motions destroying the Convention itself. By passing this amendment they would be declaring to the world that it was only people holding one set of views that predominated at the Convention and carried whatever they liked. He appealed to their sense of patriotism not to be carried away by such considerations. He was prepared to take votes again and declare the result, but he appealed to them to think over again.

Mr. Jitendralal Banerjee appreciated the remarks of the President and said that he fully realised the consequences, but he had brought the motion as a protest against a certain gentleman posing to speak at the Lucknow Conference in the name of Bengal Hindus. He, therefore, suggested that the matter be left over and no votes be taken at this stage.

Dr. Ansari ordered the amendment to stand over.

#### Definition of Citizenship.

The President then announced that the committee which had been appointed by the Convention to go into the question of the definition of citizenship had made its report recommending that clauses (a), (d) and (b) should remain as they were in the Supplementary Report and that the following words be added to clause (c) at the end: 'or who fulfils the conditions of citizenship provided in this constitution.'

Mr. Haji did not agree with this recommendation, and in a note of dissent suggested the addition of the following words to clause (c): "and fulfils the conditions prescribed by Parliament for the exercise of the rights of citizenship".

Mr. Haji moved his amendment, saying that the Commonwealth Parliament, when it was established, should not be fettered but should be free to act as it wanted in this matter. He said that in no Dominion had the rights of citizenship been guaranteed. "We must reserve this right so that we may be able to retaliate, if it is necessary, against those parts of the Empire where discrimination is made against Indians, as in South Africa. If these rights were given to foreigners, they would dominate over Indians economically and still dictate the policy of India.

Mr. Vijayaraghavachariar was in entire sympathy with the amendment moved by Mr. Haji and commended its acceptance to the House.

The amendment of Mr. Haji was carried and the majority recommendation was lost.

#### Language of the Commonwealth.

Mr. Lalchand Jagatiani moved an amendment to sec. 4, clause (a), to provide that the script for India should be in Roman characters because he thought that this device of having Hindi and Urdu as languages and the Roman characters as the script would mitigate the communal tension and bring about harmony.

The amendment was, however, not accepted by the House. There were a number of amendments tabled to the same clause by about half a dozen delegates, but as they were not present the amendments lapsed.

#### Nagari vs. Persian Characters.

Dr. Kitchlew was defeated in his attempt to lay down that both Nagari and Urdu should be the characters of the Hindustani language for the Commonwealth, where the Nehru Report had mentioned that the language of the Commonwealth may be written either in Nagari or in Urdu.

Dr. Ansari, replying to a delegate, said the Nehru Committee meant that it should be both and not either.

#### Central Government's Powers.

Mr. C. Vijayaraghavachariar moved an amendment vesting in the Central Government and Parliament power to interfere not only in cases of great

emergency and in matters of controversies between provinces or between provinces and Indian states but also to give protection to the minorities and special classes.

He emphasised that his object was not to promote communal differences but to give surer effect to what the Nehru Committee itself had stated on page 29 when it said that the object of the communal settlement was not to give dominion to one community over another but to prevent harassment and exploitation of any individual or group by another. He himself was a signatory to the enlarged report, but he could not help pointing out that, while the recommendations suggested in this respect were in one form, the constitution drafted did not quite cover the object.

At Dr. Ansari's suggestion, further discussion was postponed in order to enable other members of the Nehru Committee to participate in it. Pandit Malaviya agreed to this course.

### Separate Electorates.

Regarding the communal solution, Mr. Daulat Ahmed Khan sponsored an amendment, tabled by Mr. Mahomed Siddiq, to the effect that there should be no joint mixed electorates but only separate electorates.

He instanced the case of election of Hindu candidates in joint mixed electorates to the disadvantage of Mahomedans and referred to Mr. Asaf Ali's defeat in Delhi.

Dr. Kitchlew, in an impressive speech opposed the motion, remarking that separate electorates had been a curse to the country.

The amendment was lost, there being none to vote for it besides the mover.

### Reservation of Seats for Muslims.

An amendment tabled by Haji Abdullah Haroon was moved by Mr. Daulat Ahmed in the absence of the former for the reservation of seats in excess of their population for Muslims in provinces wherever they were in a minority.

Mr. S. A. Brelvi, in opposing the amendment, said that past experience had shown that reservation of seats was detrimental to the national cause and did no good to the Muslims either. They must not consider the question from a communal view point, because they were out to establish Swaraj, which was the means to the establishment of a new social order based on justice.

Gazi Abdul Rahman's amendment of a technical nature in regard to the substitution of certain words and the omission of certain others with regard to the Punjab pact was accepted without division.

All other amendments tabled on the communal question, with one exception, were lost after a short discussion and some of them were withdrawn without discussion.

### Reform for Frontier Province.

Mr. Das Ram Bagai (Dera-Gazi-Khan) then moved for the deletion of the words 'the N. W. F. Province, Baluchistan and' from clause 6, page 51 of the Nehru Committee's supplementary report, which gives the same form of Government to the provinces in question as will exist in others.

The mover read a long statement and extracts from official reports with regard to the fanatic nature of the Mahomedans and Pathans of that province and the difficulties of the Hindu minority there,

It appeared as if he would carry the House with him, but the appeal to the patriotic sense of the audience by Mr. Lal Chand Jagatiani and Dr. Kitchlew and Mr. B. Das served as a cold douche to the heat generated by him. All the three could not reconcile their demand for Swaraj with a denial of the right of self-determination to the people of the Frontier Province.

This appeal had its effect and the amendment was defeated by a large majority. The President then adjourned the Convention till next day.

### EIGHTH DAY—1ST JANUARY 1929.

#### Qualification of Voters.

On this day also, the last day of the session, the Convention reassembled with a very thin attendance. Babu Bhagavan Das moved the following amendment regarding the qualifications of voters :—

'Every candidate for election shall be possessed of qualifications as below :—

'(a) He shall represent one or another of the following main functions of society :— (1) science and learning, or (2) executive work, or (3) production of wealth, that is, agriculture, manufacturing industries, trade and commerce, etc, or (4) labour.

'(b) He shall have done good work in some walk of life and earned reputation for uprightness and public spirit.

'(c) He shall have sufficient leisure for the work of the legislature and preferably, but not necessarily, have retired from active bread-winning or money-making business.

'Canvassing, directly or indirectly, beyond putting forth of a statement of the candidate's qualifications by his nominators shall be regarded as a disqualification.

'No member shall receive any cash remuneration for his work as such member, but all "ex-officio" expenses of travelling, housing, etc., shall be paid to every member out of public funds.'

Babu Bhagavan Das was glad that after years the country had been able to give a meaning to the word 'Swaraj'. But the Nehru Committee had left the most important portion of the meaning of that word. The welfare of the people depended on good laws which, in turn, depended on good legislators. Hence his amendment.

Dr. Besant said that if the amendment was adopted, it would be unhesitatingly rejected by the British Parliament.

The motion was lost.

#### Question of Indian States.

The question of Indian states was taken up next. Mr. Satyamurti, on behalf of the All-India Indian States Subjects' Conference, which, he said, contained representatives from advanced and big States like Hyderabad and Mysore, moved :—

'(1) This Convention is of opinion that an honorable place should be found for the Indian States in the scheme of Indian Federation either by themselves or in groups of smaller states.

'(2) This Convention approves of the recommendations of the Nehru Report in regard to the settlement of disputes between the Government of India and the Indian States.

'(3) This Convention is of opinion that full responsible Government should be established in the Indian States before they can take their rightful place in a free federal India.

'(4) This Convention is of opinion that the people of Indian States should have an effective voice in the settlement of All-India questions concerning India and the States.'

He said that this was a kind of compromise between the untenable position taken up by Sir Leslie Scott, the constitutional lawyer, on behalf of

the Indian Princes and the position of those extremists in India who regarded the Indian States as an anachronism to be wiped out from the map of India. Whatever the nature of the rule in the Indian States, it was the only existing specimen of Indian sovereignty and it was necessary, if India as a whole was to march towards democracy, that the Indian States should be given an honourable place in any scheme of federation.

According to the third clause, there would be no place in that federation for any autocratic Prince who was irresponsible to the people and the federation should not admit autocratic Princes unless they established responsible Government in their own States.

Mr. Sanjiva Rao, of Mysore, seconded the motion.

#### Round Table Conference with Princes Suggested.

Mr. Manilal Kothari, by an amendment, suggested a Round Table Conference to discuss the constitutional position and the status of Indian States in the future Commonwealth and the relations that should subsist between Indian States and the Central and Provincial Governments of the Commonwealth.

Mr. Manilal Kothari said the subjects of Indian States should be saved from the clutches of autocratic rulers. King George had lesser powers than the Indian rulers. They enjoyed absolute monarchy. (At this stage Mahatma Gandhi arrived and the attendance swelled.) Referring to the Princes and the Nehru Report, he said there was nothing in it which was against the Princes. What was required was a proper understanding.

Referring to the Maharaja of Patiala's statement against the Nehru Report, he said it was a false and baseless fear that if the Nehru Report were carried, they would be ruled by British India. He was glad that the Princes were now coming to the right path. He suggested that the following persons might attend the Round Table Conference:—Pandit Motilal Nehru, Mr. Jayakar, Dr. Ansari, Pandit Malaviya, Mr. Satyamurti, Dewan Bahadur Ramachandra Rao, Sir Tej Bahadur Sapru, Sir Ali Imam, Sardar Sardul Singh and himself.

*A voice*:—What would you do if the Indian Princes refuse your invitation?

*Mr. Manilal Kothari*:—At least our conscience will be clear.

Mr. S. A. Brelvi, supporting the motion for a Round Table Conference, pointed out that neither the representatives of Indian States' subjects nor their Princes had taken any active part in the framing of the Nehru Report and it was only right that in any scheme of federal constitution, the relations that should subsist between Indian States and British India should be clearly laid down after a full and frank discussion. Moreover, he argued that Indian Princes, at any rate some of them, had shown a willingness to join the Nehru Committee in evolving a solution. It was, therefore, fitting that a suggestion for a Round Table Conference should be adopted by this National Convention.

Mr. Manilal Kothari's amendment was carried by a large majority, Mr. Satyamurti recording his dissent.

#### Problem of Burma.

Mr. Tyabji (Burma) moved:—

'That in view of the peculiar political conditions obtaining in Burma and the complexities of her relation to India, it is resolved that the Convention do appoint a committee

and report after due enquiry as to what, if any, modification of the proposed constitution of the Commonwealth is necessary in respect of Burma.'

The motion was adopted.

#### Adjournment Motion.

Mahatma Gandhi then moved a resolution recording the opinion that the resolution already passed on the recommendations of the Nehru Committee Report sufficiently indicated the will of the nation as to the main principles of the constitution acceptable, and that, except on points on which notes of dissent had been recorded at the instance of some parties, there was general agreement on the basis of the solution on the communal question recommended by the committee.

He further moved adjournment of the Convention *sine die* and to authorise the Working Committee to convene it, whenever necessary, for a more detailed examination of the recommendations of the Committee.

They had not been able to solve the Muslim question nor to placate all the parties. Personally, he felt that justice had not been done to the Sikhs. The Utkal question also remained to be solved. Indeed, it was springing before him like King Charles' head. It was a nightmare to him. If the Muslims happened to spring a surprise on them regarding the communal problem, then there would have to be another committee. But the Nehru committee had done its best.

#### Dr. Besant's Protest.

Dr. Mrs. Besant proposed the appointment of a committee consisting of about two dozen members to carry on the work of the Convention. She objected to authorising the Congress Working Committee to summon the next Convention. The Congress was only one party to the Convention, as Dr. Ansari himself had pointed out. All parties must be given freedom to carry on the work of the Convention, but the inclusion of the word '*sine die*' was, she thought, a clever device to get rid of them. The committee, she proposed, would communicate with all the organizations belonging to the All-Parties Conference and draw up a common programme. There was fundamental disagreement between the Congress Working Committee, which would be engaged in the task of organizing non-co-operation, and other groups belonging to the Convention. If the Congress Working Committee was authorised to summon the Convention, it might never be summoned at all. It was discourteous to say: 'Go away. Your work is done.' She contended that their work was not being done and they were being treated as untouchables. She would never be a party to allowing one section to rule over others. She could not help remarking that, although the Congress was the potent force, the Liberal party was also an able body and indeed one brain amongst them was greater than those of many who could merely shout. It was not wise to break up an organization that had worked for 11 months and brought out an unanimous report.

Mr. Lalchand Jagatiani asked if it was the intention of Dr. Besant to dissolve the Nehru Committee.

Dr. Besant replied: 'No. My idea is that the committee might unite all parties in order to popularise the Nehru Report.'

Dr. Ansari thought Dr. Besant's amendment was out of order.

Mr. Vijayaraghavachariar held that if Mrs. Besant's amendment was out of order, then Mahatma Gandhi's resolution was also out of order. He

objected to the words *sine die* and 'when necessary' as dangerous, for under these two expressions the Convention might not be summoned at all. He was of opinion that the Convention should define the date (of its next sitting) and that Dr. Ansari should be authorised to make arrangements therefor.

Mr. Shanmukham Chetty thought that the Nehru Committee itself could do the task of summoning the Convention.

Mr. Vijayaraghavachariar remarked that the Nehru Committee had done its work and consequently had ceased to exist.

After further discussion Mahatma Gandhi's resolution was amended and finally adopted as follows :—

'This Convention is of opinion that the resolutions it has already passed on the recommendations of the All-Parties Committee, contained in clauses 1 to 8 of their report, sufficiently indicate the will of the nation as to the nature of the main principles of the constitution acceptable to it and it is further of opinion that except on points on which notes of dissent have been recorded at the instances of some parties present, it is a general agreement on the basis of the solution of communal problems recommended by the said committee. This Convention adjourns "sine die" to meet when necessary for completing its work.

The Convention then adjourned 'sine die'.

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## REPORT OF THE Royal Commission on Agriculture.

The Report of the Royal Commission on Agriculture, presided over by the Marquess of Linlithgow, was published in June 1928. The members of the Commission were: Sir Henry Lawrence, Sir Thomas Middleton, Sir Ganga Ram (since deceased), Sir James Mackenna, Mr. H. Calvert, Raja of Parla-kimedi, Mr. N. N. Gangulee, Mr. L. K. Hyder, and Mr. B. S. Kamat.

The Report is a voluminous document of 675 printed pages, with Appendices, Index and Glossary bringing up the volume to 756 pages.

The salient features of the report are summed up in the form of an Abridged Report, covering the first 90 pages. Important among the aspects of Indian agricultural industry dealt with and reported upon by the Commission are: (1) Agricultural Improvement and Fragmentation of Holdings (2) the Finance of Agricultural Research, (3) the Village, (4) Rural Industries and Labour and (5) the Agricultural Services.

### Task for Agricultural Dept.

In an introductory retrospect of Indian agriculture, the Commission observe:

That great progress had been achieved by the agricultural departments cannot be denied, but their influence has, so far, reached a very small fraction of the total area. But, though, throughout our Report we deal at length with the problem of improving the efficiency of these departments and of extending their activities over the whole area of agricultural India, we regard this as merely one aspect of the far wider problem of creating an environment in which the cultivator will be willing to receive and put to the best possible use the advice and help which the agricultural and other departments are in a position to place at his disposal.

### Use of Manure.

Referring to agricultural improvement and sub-division and fragmentation of holdings, the report discusses at length the facilities available to the cultivator in the matter of manures, seeds and machinery and suggests a more extensive use of farmyard manure, oilcakes, bones and bonemeal and fish manures.

It may be said that the main success of the agricultural departments has been in the direction of the introduction of improved varieties of crops and in this branch of its work it has been eagerly assisted by the cultivator. It is estimated that nearly nine million acres are now under improved varieties of different crops. It is true that this only represents a small fraction of the total area under these crops, but, even so, it can be claimed that a substantial beginning has been made.

### Seed Distribution.

The crops in which the greatest advance has been made are cotton, wheat, rice groundnut and jute, but there is still very great scope for further work, especially in regard to the millets, pulses and oilseeds. There are three methods of obtaining varieties superior to those ordinarily grown either in respect of yield, quality or suitability to the special conditions of environment. These are selection, hybridisation and acclimatisation.



Until reliable seed merchants come into the business, the selection and distribution of pure seed should be controlled by the agricultural departments.

The problem of seed distribution is of such importance that, even with all the assistance which the co-operative and other organisations can give, we consider that a separate organisation is necessary within the Agricultural Department, to deal with seed distribution and seed testing.

### Selection of Machinery.

In general, it may be laid down that the aim of the agricultural departments should be the evolution of a small number of types of implements and machinery suitable for a wide range of conditions and suitable also for mass production. In our view, the improvement of existing agricultural implements and machinery offers a more promising field than the introduction of new types.

It is desirable that, when new type have been evolved their manufacture should be taken up by manufacturers in India. In order to overcome the difficulties of transporting such manufactures over the vast distances which one finds in India, we would suggest for the favourable consideration of the railway authorities a re-examination of railway freight rates on agricultural implements and machinery and the grant, wherever possible of concessions. In this connection, it has also been represented to us that, whilst agricultural implements and machinery, with a few exceptions, are admitted into India free of duty the high protective duties levied on imported iron and steel greatly increase the cost to the Indian manufacturer of his raw material, whether imported or produced in India. We consider that this is a matter which might be investigated by the Indian Tariff Board.

### Fragmentation.

Touching fragmentation of holdings, the report says :

A serious obstacle of agricultural improvement is, in some provinces, caused by the sub-division and fragmentation of holdings. Sub-division is chiefly due to the laws of inheritance, customary amongst Hindus and Mahomedans, which enjoins a succession to immovable property amongst all the heirs, usually in equal shares. Fragmentation is, in the main, due not to the laws of inheritance but to the method by which the law as to division of property amongst the heirs is carried into effect. The problem is being attacked by the Co-operative Department in the Punjab, where some striking results have been achieved, and by legislation in the Central Provinces. The latter method is also proposed in Bombay.

### Mortgage of Land.

In regard to the finance of agriculture the Commissioners observe :

Mortgage of agricultural land is the most common method of arranging long term credit and the total sum advanced upon this form of security must now be very large. Mortgage credit is rarely used to finance improvements in agricultural land. It is resorted to when the unsecured debt becomes larger than the lender considers safe and, in times of distress, for ordinary agricultural needs.

Another point in connection with mortgages is the reluctance of the mortgagees to accept redemption.

Various enactments have from time to time been passed by different local governments to deal with transfer by sale or mortgage of agricultural land to non-agriculturists. The best known of these are the Punjab Land

Alienation Act and the Bundelkhand Land Alienation Act. The Bombay Land Revenue Code lays down rules with a similar object. The desirability of extending the principle of statutory restriction on the alienation of land to districts or provinces other than those in which it is now operative is one which, in our view, can only be measured in the light of local conditions, including the state of mortgage debt amongst cultivators, the extent to which land is actually passing from agricultural to non-agricultural classes, and the feasibility of defining with reasonable precision those agricultural tribes or classes whose interests it is sought to protect.

The business of joint stock banks so far as it relates to the advancing of loans on the security of agricultural land, is usually confined to the larger landholders, the planting community and others who possess tangible marketable security.

### "Home Farms."

We would suggest that, where existing systems of tenure or tenancy laws operate in such a way as to deter landlords who are willing to do so from investing capital in the improvement of their land, the subject should receive careful consideration with a view to the enactment of such amendments as may be calculated to remove the difficulties. The establishment of "home farms" run on model lines is to be commended and, where tenure difficulties arise, action to permit the establishment of such farms appears especially necessary.

The Land Improvement Loans Act has on the whole worked well, but it is doubtful if its provisions are as widely known as they should be.

When land mortgage banks are firmly established, part of the allotments under this Act might be placed at their disposal, provided that steps are taken to ensure utilisation on objects which fall within the scope of the Act.

Alluding to rural indebtedness the report  
says:

Knowledge of rural indebtedness and its causes has steadily increased as the subject has again and again come under review. The general expansion of the credit of the landholder, his illiteracy, and the temptation he has to relieve present necessities by mortgaging his future income and even his capital, have, on the one hand, led to increase in indebtedness, while, on the other the position of the moneylender has been strengthened by the rapid development of commerce and trade, the introduction of established law and permanent civil courts, and the enactment of such measures as the Contract Act.

Legislative measures designed to deal with the problem of indebtedness have proved a comparative failure. Evidence was received in one province that the provision of the Civil Procedure Code exempting the cattle, implements and produce of agriculturists from sale may be ignored. The Kamiauti Agreements Act in Bihar and Orissa has been found ineffective. The provisions of the Deccan Agriculturists Relief Act are being evaded and the Usurious Loans Act is practically a dead letter in every province in India. We consider that an enquiry into the causes of the failure to utilise the last named Act should be made in all provinces. If its provisions were fully utilised, this would go far to remove the worst evils of uncontrolled usury. Other Acts worthy of the consideration of local Governments are the Punjab Moneylenders Act and the British Moneylenders Act of 1927, while the case for a simple Rural Insolvency Act should also be examined,

## REPORT OF THE

## Co-operative Movement.

The Commissioners add :—We have no hesitation in recording our belief that the greatest hope for the salvation of the rural masses from their crushing burden of debt rests in the growth and spread of a healthy and well-organised co-operative movement, based upon the careful education and systematic training of the villagers themselves. Apart altogether from the question of debt, co-operative credit provides the only satisfactory means of financing agriculture on sound lines. Thrift must be encouraged by every legitimate means, for the saving resulting from the thrift of the cultivating classes form the best basis of the capital they require. If the rural community is to be contented, happy and prosperous, local Governments must regard the co-operative movement as deserving all encouragement which it lies within their powers to give.

A very interesting and instructive chapter is devoted to Co-operative Movement in India, which the Commission think has made considerable progress.

The progress of the movement, says the report, is indicated by the fact that, in 1926-27, there were in British India some 67,000 agricultural primary societies with over two and a quarter million members and with a total working capital of nearly 25 crores of rupees.

Success in co-operation cannot, however, be gauged by figures and our enquiries have shown that progress has not been uniform in all provinces, and that increase in numbers has not always been accompanied by improvement in quality.

There is evidence that supervision and guidance have been withdrawn too soon. Members of co-operative bodies have not been adequately trained to assume the responsibilities thrown upon them; a natural restiveness under control has found expression in resentment against what has appeared to be undue official interference and transactions have been embarked upon which have led to disaster.

## Honorary Workers.

To the failure to recognise the limitations inherent in the system of utilising honorary workers must be largely attributed the very serious defects in the movement, which have been brought to our notice. We consider that there is full scope for both the honorary workers and the official staff, and the time has not yet come when the official staff can be eliminated or even reduced. We, therefore, strongly recommend that every effort should be made to build up a highly efficient and well-trained official staff in all provinces.

As the official head of the movement, the personality of the Registrar is a matter of the greatest importance. It is most important that a Registrar should always have one or more officers under training to act for him when on leave and ultimately to succeed him. Every opportunity should be given to Registrars and the officers of the department to study the co-operative movement in Europe or elsewhere,

## Assistance from Government.

In the early stages of the movement, Government advanced considerable sums of money as capital. This practice has now almost entirely ceased. We consider, however, that assistance from Government might be given in the following ways ;—

(a) By contributing towards the out-of-pocket expenses of honorary workers, both whilst under training and whilst they are working in the field ;

(b) In assisting institutions whose object is to spread education and the application of co-operative principles to various objects and assisting unions in supervision ;

(c) In promoting organisations on a co-operative basis to facilitate specialised forms of co-operative activity, such as the consolidation of holdings, adult education, irrigation and the like.

(d) In the propagation of the movement in backward tracts.

As a rule, we consider that Government should spend money rather on education than audit. The audit of healthy societies is not a proper charge on the public funds.

In particular, co-operative societies should be allowed to take full advantage of the facilities afforded by the district treasuries and sub-treasuries for the movement of money to finance agriculture. They should be given a refund of three-fourths of the commission on postal money orders, when these are employed for remittances between societies, and should have a "first charge" on the property of their members where this has been purchased by a loan from a society or consists of a crop grown from seed obtained by such a loan.

The question of land mortgage banks has come into prominence within recent years. It has become apparent that village credit societies are not suitable agencies for the grant of long-term loans, and that this class of business should not be mixed up with the short-term credit which it is the function of the village society to provide. The Conference of Registrars held at Bombay in January 1926 considered the question and decided that land mortgage banks could, and should, be established under the provisions of the existing Co-operative Acts. We endorse the resolution passed on the subject at the Conference. The Acts already provide for land mortgage credit and we consider that, for the present, they should be utilised for the formation of land mortgage banks, and that no special legislation is required to establish such banks.

With regard to assistance by Government to land mortgage banks, we do not recommend that Government should subscribe to debentures but we consider that a guarantee of interest on the debentures would be a suitable form of assistance. We consider also that the issue of debentures of land mortgage banks should be controlled by a central organisation, otherwise the position will arise of a number of small institutions flooding the market with competing issues. Land mortgage banks would be a suitable agency for distribution of loans under the Land Improvement Loans Act, and their debentures should be added to the list of trustee securities. We would emphasise the importance of a most careful preliminary enquiry before a land mortgage bank is floated and would insist on efficient management as essential. The simpler the constitution of such banks, the better they are likely to function.

#### Non-Credit Societies.

So far little progress has been made with non-credit societies as compared with credit societies. This is natural as advance in other directions is difficult until the burden of rural debt has been definitely lifted from the shoulders of the cultivator. Purchase and sale societies, seed societies, cattle insurance societies and other forms of non-credit activity have been attempted

with varying success, but it cannot be claimed that any substantial advance has generally been made in any of these directions. If such societies are to be successful business management is required and it is not easy to find the capacity for this among their members. As a matter of principle, the single purpose of the society seems the best line of development. "One thing at a time" should be the policy.

The function of the Co-operative Department, apart from the provision of credit, is to prepare the ground for the advice of the various experts employed by Government in its several departments. Naturally these departments can work best through co-operatively organised bodies of cultivators rather than through isolated individuals. The co-operative society should be the unit through which the various departments of Government concerned with rural welfare carry on their activities.

The desirability of appointing a special officer of the grade of deputy director of agriculture to work under the Registrar deserves to be examined in all provinces. As regards the appointment of specialist officers from other technical departments, much will depend on the stage of development and the particular form of co-operative activity which it is desired to foster.

In regard to Communications and Marketing the Commission states:

**Need of Roads.** Good communications are of great importance to the cultivator, for on them largely depends

his opportunity for the favourable marketing of his produce. Mileage of railways and roads in India is rapidly expanding. All roads, except those of military importance, are a transferred subject in the major province. In Bengal, practically all the roads are under the District Boards, who meet the entire cost of construction and repair from the roads and public works cesses.

The condition of the roads in India has deteriorated in recent years, and the rapid expansion of motor traffic has brought into existence an entirely new range of problems of road construction and maintenance. This new factor has led to the recent appointment of a Road Development Committee, which is investigating the whole question of road development in India. The concern of this Committee is primarily with the development of the main roads, but we would emphasise the importance of subsidiary communications which are of even greater concern to the cultivator. His village must be linked up with the main arterial roads if he is to get the advantage of good communications.

It is desirable that in the development of communications generally railways and roads should be regarded as complementary to each other. Roads should be designed to serve rather as feeders to the railways than as competitors for traffic. Railway freight rates are frequently criticised from the point of view of the agriculturist. We do not accept the view that rates are generally too high, but we suggest a periodical revision of rates with a view to the adjustment of their incidence as between various sorts of produce.

With regard to water-ways, the only point brought prominently to our notice was the extent to which their use is hampered by the spread of water-hyacinth in Assam, Bengal and Burma. Various attempts have been made to deal with this pest but with indifferent success. Further research is urgently needed and, as the problem affects a number of provinces, we consider that a programme of work should be formulated by the Council of

Agricultural Research so that concerted action can be taken simultaneously in all the provinces affected.

#### Marketing Conditions.

The agricultural departments in India have done much to improve the quality and to increase the quantity of the cultivator's outturn but it cannot be said that they have been able to give him substantial help in securing the best possible financial return for his improved quality and his increased outturn. There is great absence of information with regard to marketing conditions in India.

In all provinces we received complaints of the disabilities under which the cultivator labours in selling his produce in markets at present organised.

The most hopeful solution of the cultivator's marketing difficulties seems to lie in the improvement of communications and the establishment of regulated markets, and we recommend for the consideration of other provinces the establishment of regulated markets, on the Berar system as modified by the Bombay legislation.

#### Weights and Measures.

A question which has for long engaged attention is the standardisation of weights and measures. These vary most extraordinarily throughout the country and, in some provinces, almost from village to village. Although a committee to investigate this subject was appointed by the Government of India in 1913, no action has yet been taken on its recommendations. We consider the matter of such importance that we would recommend that the Government of India should again undertake an investigation into the possibility of standardising weights and measures throughout India and should lay down general principles to which provincial Governments should adhere so far as this is possible without undue interference with local trade custom.

The marketing of his produce is such an important matter from the cultivator's point of view that we consider that an expert marketing officer should be appointed to the staff of the agricultural departments in all the major provinces.

In view of the growing importance of Indian agricultural products in Europe, we consider that the Indian Trade Commissioner in London should be given the assistance of an officer with experience of agriculture and co-operation in India. An officer of similar standing and experience should be attached to the staff of the Director General of Commercial Intelligence in Calcutta, who would pass on to the departments concerned information which he receives from his colleague in Europe, in a manner which would enable them to utilise it to the best advantage. Ultimately as Indian trade grows, it may be necessary to appoint separate Trade Commissioners in other countries.

On the question of Agricultural Research, we propose that an Imperial Council of Agricultural Research should be constituted, the primary function of which

#### Research.

would be to promote, guide and co-ordinate agricultural research throughout India. It would not exercise any administrative control over the Imperial or provincial research institutions. One of the most important functions of the Council will be in regard to the training of research workers and part of its funds should be utilised in the provision of research scholarships tenable by students who have given evidence that they are capable of taking full advantage of an opportunity for intensive training in scientific research in agriculture.

## REPORT OF THE Agricultural Services.

An approved course of post-graduate study should be regarded as an essential qualification for admission to the now superior Provincial Agricultural Services. We hope that the universities will take an increasing share in the prosecution of agricultural research and it is with the object of facilitating this that we have suggested that they should be represented on the Council of Agricultural Research.

Although we do not consider that research can conveniently be organised by Government on a crop basis, we see no objection to any trade, which feels that its interests demand such a step, organising itself on the lines of the Indian Central Cotton Committee, provided it is willing to tax itself for this purpose. The case of jute presents special features and we consider it most desirable that a committee should be formed which would watch over the interests of all branches of the trade from the field to the factory. The Chairman of the Council of Agricultural Research should be the Chairman of this Central Jute Committee and Government should finance the work of the Committee by an annual grant of Rs. 5 lakhs.

### Animal Diseases.

Discussing diseases of livestock and their control the Commission devote considerable attention to the havoc wrought by rinderpest and recommend a more widespread resort to preventive inoculation. Turning to the provision of veterinary aid the report says:—The first necessity is a very substantial increase of veterinary officers of all grades.

The close relations between agriculture and public health are obvious and they react upon each other to a remarkable degree. There is no direction in which the rural community needs help more than in the provision of medical facilities and public health amenities.

It is the duty of Government to investigate basic medical problems and to enunciate and direct sound principles of public health administration. It is the duty of the people to co-operate in giving effect to such recommendations and generally to assist in improving rural conditions. Much is being done by Government and private agency and the general economic trend of events is conducive to, and suggests the possibility of, a rapid improvement in rural conditions at no distant date. The matter largely rests with the people themselves.

In the course of our tour, we have been much impressed by the great awakening of non-official interest in the health and welfare of the countryside. It is from this manifestation of public interest that we derive our greatest encouragement and hope. This awakening is general and not confined to any particular province. As typical examples of such efforts, we would mention the Poona Seva Sadan Society, the Co-operative Anti-Malaria Society in Bengal, and the rural reconstruction work of the Y.M.C.A. in Southern India.

In concluding our remarks on public health we desire to emphasise the urgency of the need for developing the rural, medical and public health services to the utmost possible extent and with the utmost speed.

Throughout our investigation, we have constantly been impressed with the thought that mere material improvement alone will not bring lasting benefit to the agricultural population. Increase in yield by better

Improving Amenities of  
Village Life.

seed and better cultivation ; security of the harvests gained by the expansion of irrigation ; immunity from losses due to pests or pestilence ; higher prices from improved communications and conditions of marketing ; everything, in short, which we have advocated for the material advancement of the people will merely postpone the effects of the growing pressure of the population on the soil. No lasting improvement in the standard of living of the great mass of the population can possibly be attained if every enhancement in the purchasing power of the cultivator is to be followed by a proportionate increase in the population.

What is required is to increase in desirable directions the number of the villager's wants and to show him how to satisfy them by his own efforts. We trust that the whole weight of those to whom the villager looks for guidance will be thrown into suggestions how to improve, during his spare time, the amenities of the village.

It cannot, however, be reasonably expected of the cultivator that he should, unaided, revive this ancient custom of corporate action and utilise it for the improvement of the village and its surroundings. He lacks leadership, and the difficulty is to suggest the leader. The educated man is not willing to live his life in a village, except in a few cases, where ideals of social service overcome the absence of amenities. The system of village guides devised by Mr. Brayne, I.C.S., in the Gurgaon district of the Punjab, seems worthy of consideration.

#### Universities' Duty.

We attach most importance to linking the village with the social life of the town. We consider that this can best be effected by social workers organised in societies like the Seva Sadan Society of Poona. Such organisation facilities, continuity of policy and steady pressure over a long period both of which are required if permanent results are to be obtained. The universities also have an obligation and a great opportunity to assist in the work of rural development both on the economic and educational side.

Our enquiries have left us firmly convinced of the great importance to

#### Female Education.

rural development in India of the spread of literacy amongst women. There are indica-

tions of an awakening interest in this direction. But progress is slow and we would suggest the desirability of demonstrating in striking fashion the value to the community of the education of its women, particularly in its effect upon the spread of lasting literacy amongst the young. Where no literate homes of the cultivating classes are available, we think a definite effort should be made to literacy to a certain number of young mothers selected where conditions are most suitable and where no similar experiment has been tried before. We have little doubt that the result of this comparison will show a markedly stronger tendency on the part of the literate parent both to send the children to school and to keep them there till literacy, which the mother has come to value has been fairly achieved.

We consider that, if teaching is to be efficient, the training of the teacher must be improved and there must be an increase in the number of trained teachers. If possible female teachers should be provided for small children for it is the experience of all countries that they are best qualified for such work. Teachers in primary schools should be drawn wherever possible from amongst those who are familiar with rural life and the text books



should deal with every day objects familiar to the pupil and have a rural tone. The faculty of observation should also be developed by occasional school walks through neighbouring cultivation.

We are convinced that the progressive adoption of the compulsory system is the only means by which may be overcome the unwillingness of parents to send their children to schools and to keep them there till literacy is attained. The provision of a sufficiency of trained teachers and of suitably equipped buildings must, of course, precede the enforcement of compulsory school attendance. Finance also imposes a limitation.

In our observations on rural industries, we emphasise the importance of introducing modern process. This introduction will be greatly facilitated if the various technical institutes provide instruction in applied science of a high standard.

A problem of some importance is how the villager can best use his spare time for the improvement of his position. We have received various suggestions for the establishment of new industries which may offer increased employment to the rural population. An industry which seems to offer considerable promise is the extension of the local manufacture of agricultural implements. The engineering section of the agricultural departments can give valuable help in promoting such a development. Similar facilities should be provided for the training of the more progressive village artisans, such as blacksmiths and carpenters, who want to keep abreast of developments in agricultural machinery.

#### Poultry Industry.

There are opportunities for the development of a poultry industry and we are glad to note that increased attention is being devoted by the agricultural department, in most provinces to poultry rearing and the work done, notably in the United Provinces, suggests that this industry has possibilities of expansion.

With regard to rural industries in general, it may be said that the chief needs are the stimulus of new ideas and the provision of adequate instruction and advice on the commercial side. The opportunities which they present for improving the condition of the rural population are extremely limited, and as a general principle it may be laid down that the chief solution of the problems of the cultivator lies in promoting the intensity and diversity of his agriculture.

The development of village industries on a co-operative basis is essential, if they are to survive increasing competition.

Government can do much to assist the mutual adjustment between the large industries and agriculture by their policy in respect to communications and the development of power, by technical education, and by the collection of marketing information. It is essential for the success of the departments of industries that the Director should be an experienced administrator.

#### The Conclusion.

In conclusion, we record our considered opinion that restriction of recruitment for the new Superior Provincial Agricultural Services to a province or even to India would tell seriously on efficiency. From the point of view of wider outlook and variety of experience, officers recruited from abroad can make a valuable contribution to the development of Indian agriculture and we, therefore, strongly endorse the hope expressed by the Royal Com-

mission on Superior Civil Services in India in regard to the continued co-operation of European officers.

We have been directed to examine and report on the present conditions of agriculture and rural economy in British India and to make recommendations for the

improvement of the welfare and prosperity of the rural population.

The aim of the suggestions and recommendations we have made has been to bring about greater efficiency throughout the whole field of agricultural production and to render the business of farming more profitable to the cultivator. Throughout our Report, we have endeavoured to make plain our conviction that no substantial improvement in agriculture can be effected unless the cultivator has the will to achieve a better standard of living and the capacity, in terms of mental equipment and of physical health, to make advantage of the opportunities which science, wise laws and good administration may place at his disposal. Of all the factors making for prosperous agriculture, by far the most important is the outlook of the peasant himself.

### Government's Responsibility

This, in the main, is determined by his environment and it follows, therefore, that the success of all measures designed for the advancement of agriculture must depend upon the creation of conditions favourable to progress. If this conclusion be accepted, the improvement of village life in all directions assumes at once a new importance as the first and essential step in a comprehensive policy designed to promote the prosperity of the whole population and to enhance the national income at the source. The demand for a better life can in our opinion, be stimulated only by a deliberate and concerted effort to improve the general conditions of the countryside, and we have no hesitation in affirming that the responsibility for initiating the steps required to effect this improvement rests with Government.

The realisation of this important truth has led, in recent years, to a large increase in expenditure on the departments concerned with rural welfare. None the less, we feel that its force is inadequately appreciated by the Government of India and by local Governments and that the necessity that the rural problem should be attacked as a whole and at all points simultaneously, is still insufficiently present to their minds.

We cannot but think that the failure to grasp the full significance of the proposition we have laid down in some measure explains the absence of any co-ordinated attempt to effect that change in the surroundings and in the psychology of the peasant without which there can be no hope of substantially raising his standard of living.

### All Resources Required.

If the inertia of centuries is to be overcome, it is essential that all the resources at the disposal of the state should be brought to bear on the problem of rural uplift. What is required is an organised and sustained effort by all these departments whose activities touch the lives and the surroundings of the rural population.

It is, no doubt, the recognition of the need for co-ordination that has given rise in many quarters to the view that lasting progress is unlikely to be achieved unless, in all provinces the activities of the various departments concerned are co-ordinated by development boards, advisory committees, or

officers charged with the specific duty of securing combined action towards a given end. Development boards exist in some provinces, advisory committees in all. They are not without their value in bringing departments together and in interesting the leaders of public opinion in departmental activities. But there are definite limits to the extent to which Governments may properly or usefully delegate the performance of their functions. The responsibility for framing policy, and for combining the activities of two or more departments in order to give effect to that policy, must remain that of Government and of Government alone.

It is no part of our duty to make recommendations regarding the internal organisation by which Government should seek to effect co-ordination. We would, however, point out that, in Indian conditions, a very special measure of responsibility in this direction falls upon the Viceroy and upon the Government of provinces. Throughout our enquiry we have been much impressed by the extent to which the Viceroy can, by the display of a personal interest in agricultural matters forward the cause of India's premier industry. But the immediate responsibility of provincial Governors in this matter is the heavier, since the services most directly concerned with rural development are administered by provincial agency, and since it is they alone who provide a link between the Reserved and the Transferred departments. The responsibility of the Ministers in charge of the Transferred departments, which include all those most directly concerned with rural welfare, is also a heavy one and they will need all the assistance that strong secretariats with senior and experienced administrators at their head can give them.

#### Public Support Needed.

But though we hold it to be the duty of Governments to initiate a combined movement for the betterment of the rural population, we recognise that success on a large scale can be rendered permanent only if the sympathy, interest, and active support of the general public can be enlisted. So vast is the population and so extensive are the areas concerned, that no resources which could conceivably be commanded by the State would be adequate to the task in hand.

Our recommendations extend to so wide a field that it has not been possible for us to frame any exact estimate of such of our proposals as involve expenditure or to classify them in order of urgency. We would express the earnest hope that, as the funds necessary to carry out the policy of rural development we have attempted to outline become available, the various legislatures will be willing to place them at the disposal of appropriate departments. We are confident that the members of those legislatures will play their part in creating a public opinion favourable to the advancement of a great endeavour. Our enquiry has convinced us that, given the opportunity, the cultivators of India will be found willing and able to apply in progressive degree the services of science and organisation to the business or agricultural production.

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# Govt. of India Report on Indian Reforms

In June 1928 the Government of India published a report on the working of the reformed constitution, covering the period to the end of the life time of the second Council under the Reforms, i.e., December 1926. This report is in continuation of those submitted in 1923 and 1924 which was reviewed by the Muddiman Committee.

This provides interesting reading, and though they do not form the basis of the memoranda submitted by the various Provincial Governments to the Simon Commission they are fairly indicative of the Provincial Governments' opinions.

## The Madras Report.

The Madras Government's report shows that mostly joint meetings of the two halves were held and that no resignations occurred owing to difficulties in the Cabinet.

Writing on the subject of the relations between the Reformed Government and Public Services, the Madras Government point out that the attitude of the Services have been very much the same as in the rest of India, but good points were more in evidence here than elsewhere. A greatly increased respect is now evinced by officials of all classes towards the decision of the Legislative Council as well as the status of its members.

The cost of administration increased and as regards the effect of the Reforms on the efficiency of the administration, the Madras Government point out that it is sufficient perhaps to state that the main change to be observed is that between a rigid adherence to a fixed policy and constant formulation of new and progressive policies. The former is more efficient, so long as the policy is a right policy, but in its nature tends to be unprogressive. The latter is apt to be less efficient until the policy is established.

Another effect which is very noticeable is the general unsettlement of the minds of the permanent officials. They have been brought up to carry out definite policies without questioning the underlying reasons for them. They have now seen the policy of every department pulled up by roots and examined "ab initio" and they are uncertain what is to be taken as an established policy and what is not.

Meanwhile revision of all salaries and allowances as well as of financial codes has resulted in a general uncertainty as to the officers' positions and has prompted a spirit of questioning of authority and demurring to the rules and orders which will render administration difficult until the Services settle down again to an established order.

The effect of the Reforms on the local self-Government is next reviewed by the Madras Government. It points out that there has been certain awakening of civic consciousness among the people and a policy of deofficialization, but it is too early to estimate the results in the way of civic achievement. There has been unwillingness both to impose taxes and strictly enforce tax collections, but it is hoped that with better financial conditions the policy of giving wide powers to the local bodies will be justified in future.

### Extremist Doctrines.

For a short time in certain quarters there was a tendency to introduce extremist doctrines into the local bodies, but this was successfully combated by the late Ministers and now there is little ground for complaint on that score.

The Legislative Council represented strongly the legal profession and the Municipal and Local Boards administration of the Presidency, and this meant a tendency to represent interests rather than the people or causes. But the degree to which the Council reflects educated opinion has increased with each Council. The reaction of the Council on public opinion is of slower growth than that of representation of public opinion in it.

### No Distinct Parties.

As regards the parties, it is stated that the ultimate goal of all being the same, namely, self-Government for India they tend to form opposition for opposition's sake. It cannot be said that distinct parties diverging on regular fixed policies exist.

As regards Parliamentary traditions, it is stated that forms at least of Parliamentary Government have found a ready response in the Madras Council. Work is closely followed by the literate classes, but until literacy is much wider spread and of a higher degree, the Councils will always be functioning above the head of the average voter,

## REPORT ON INDIAN REFORMS

The Madras Government next opines that the influence of the Press on politics has not been so great as might be expected, chiefly because of limited reading public.

## Swarajist Policy.

As regards political parties outside the legislature, it is pointed out that the Swarajists adhered to the policy of non-acceptance of office but had so far given qualified support to an Independent Ministry, possibly to prevent the formation of a "Justice" Ministry. They are accused of having broken the election pledges, but their latest endeavour seems to capture for the Congress the growing power of the purely labour movements, particularly in Madras city.

## The Bombay Report.

The Bombay Government's report first deals with the allocation of funds between the two halves. An agreement on the distribution of funds has been reached between both halves in all cases, in spite of the financial stringency and the pressing demands for increased expenditure.

The general recognition of the failure of the Non-co-operation movement as a political force had a noticeable effect on the relations between the Government and local bodies and non-co-operators were not prepared to extremes. These bodies generally maintained friendly relations with the Government and their officials.

## Communal Tension.

During the past three years the growth of the Brahmin and non-Brahmin strife in the Deccan and Carnatic districts and Hindu-Muhammadan tension in certain parts of Sind, had a serious effect on the administration of local self-governing bodies. On the whole, the local bodies have shown commendable interest in public health activities, including Baby Week and child-welfare movements, but finance remains the main difficulty. There are signs of growing interest in local self-Government among the people.

The electorate is fickle and apt to vote from personal and caste motives than principle and success or failure. These bodies more often than not depend on the presence of one man of outstanding influence.

The Council in dealing with legislation has always shown a strong desire to increase taxation and is inclined to reduce penalties, wherever possible, and provide additional appeals to courts. There is an inevitable tendency at the present stage to interfere too much in the details of Executive Government and ignorance of details of administration leads to insufficient recognition of Government efforts towards economy.

The reaction of the Council on public opinion was illustrated by making the Swarajists modify their attitude to one of responsive co-operation. Members showed great activity in bringing forward matters of interest to their constituents. The second Council showed signs of much more definite grouping on party lines and the Swarajists voted solidly. Non-Brahmins also were much more unified, possibly as the result of having a non-Brahmin Minister.

As regards the party leaders the Bombay Government points out that Mr. M. R. Jayakar was not a able figure, but by energy and moderation widely separated from most of his party he was a Moderate. His resignation led to deterioration of discipline among the Swarajists. Mr. Bhopatkhar, who succeeded Mr. Jayakar, was opposed to the die-hard Swarajist Mr. Nauman, and failed to exercise any control over the party.

The Bombay Government declares that the second Legislative Council was distinctly poorer in quality because of the rout of Moderates by Swarajists resulting in lowering the tone of the Council and loss of business ability. The personality of the President helped to keep things going.

The methods of the non-Brahmins showed that they had still much to learn of politics. The Swarajists were the only non-official party united by bonds other than communal.

In conclusion, the Bombay Government refers to what it says has been by far the greatest hindrance to the success or at least to a fair trial of the reforms in this Province viz, its financial difficulties and the consequent inability of the Ministers to embark on any large schemes of social or educational advance. With reasonable funds the history of the working of the Reforms scheme in this Presidency might have been very different from that presented.

## Work of the Council.

On the other hand, the Legislative Council has a large record of useful legislation to its credit. Its influence on both sides of the administration has been constant and considerable and its attitude on financial and general matters has on the whole not

been unreasonable. If, as there is reason to think, there has been deterioration in some aspects of local self-government, this has not been unexpected or unnatural, and in other directions there has been an increase in non-official interest and co-operation in this important sphere of public work.

The political atmosphere has improved and though communal differences exist and sporadic disturbances have arisen from their evil influence the tension is much less acute here than in Northern India. It does constitute, however, one of dangers and difficulties in further advance.

It has been unfortunate from the point of view of the value of the scheme as an experiment that the party having the largest following in the last Council refused to take office while their effectiveness as constitutional opposition was much hampered by the changing and irregular lines of action arising out of outside political influences.

## The Bengal Report.

The Bengal Government points out that the report embodies all the relevant criticism and suggestions received from the Executive Councillors and Ministers who were shown the draft report. It pointed out that during the suspension of the constitution on the Transferred side no advantage was taken to expand the Reserved side at the expense of the Transferred.

The attitude of the Legislative Council however, remained the same so that no matter how essential to the efficient administration of the Reserved subject was the increase in expenditure, it was subjected to severe criticism and opposition.

### Fling on Swarajists.

As regards local self-government, the report reviewing the Calcutta Corporation's work says that the appointment of the Chief Executive Officer being made elective had reduced his authority to a mere shadow. In consequence, there is little check on extravagance and there is a growing indiscipline among the staff.

Primary education has been mainly encouraged, the number of students having risen from 2500 to 1,16,000. Attention has also been paid by the Corporation to public health and medicine, but no progress has been made for the solution of the pressing drainage problems or water supply. There has been most objectionable relaxation of building rules and unpaid taxes accumulated, with the result that the Corporation's closing balances were depleted and borrowing capacity reduced. Until its administration were conducted in the interest of the inhabitants of Calcutta and not a political party, chances of improved administration were small. The report hopes that Swarajist disintegration and their minority might give administration a new orientation.

As regards the District Boards and Municipalities of Bengal, their difficulties were financial, and not political, and not attributable to the reformed constitution. With the exception of Mr. B. N. Sasmal, who, as Chairman of the Midnapore District Board was a complete failure, the Swarajists on the local bodies in the mofassil did their best to maintain, and in some cases raise, the level of the administration.

Financial difficulties are emphasised. Though the finances improved, progress would be crippled unless the Meston Settlement were revised.

As regards legislation the total out-turn of the second Council was very poor compared with the first.

The Bengal Government declare that in the year 1925 the Bengal Council appeared to have awakened to a better sense of its responsibilities. Mr. C. R. Das' exertions in this juncture hastened his untimely death, but after his death, when the Council met in August all attempts to reduce or refuse the demands were defeated. The Council followed its predecessor in showing growing apathy to resolutions. The objectionable practice has grown of increasing the number of members of the Select Committees on personal or party grounds.

As regards party groupings, the Swarajists under Mr. C. R. Das adopted the obstructionist policy. The Independents under Mr. B. Chakrabarty were against Government and there were individuals who owed allegiance to no body. They would accept office themselves, but would support no one else in office. The Ministerialists' bond of union was their personal attitude towards the various Ministers and did not, therefore, give consistent support to Government. The European and Anglo-Indian group possessed all the characteristics of a genuine political party. Official members are always present to support Government and could usually rely on nominated non-officials, save on the question of the release of political prisoners.

Public opinion being negligible, the members took no interest in maintaining relations with constituents. As regards the attitude of the Council towards the Europeans, there

is now a desire for larger grants for Indian education. Resentment is felt against the present scale of the European officers' salaries, and though practically all groups approved of the policy of Indianisation it was realised that without European officers all ranks of the Calcutta riots in 1926 could not have been coped with.

In the Council itself the relations between Indians and Europeans were cordial. Non-official Europeans were respected and whatever to be said in the Council in debate the members outside treated each other with unvarying courtesy.

As regards the attitude of the Council towards Labour, it was clear that the interests of the working classes were not confined entirely to Labour members. The Bengal Government specifically deals with the criteria set up by the preamble to the Government of India Act.

As regards the co-operation received it pointed out that the Reforms had not worked for the greater part of the period and though there was a misapprehension as to what was meant by co-operation, there were no signs of recognition that co-operation meant an effective effort to overcome opposition to Dyarchy. The recognition of a sense of responsibility to the electors is nascent and the Council has not displayed a sense of responsibility in voting on questions relating to the Reserved subjects, though in the circumstances of the case it will be unfair to judge them harshly in this respect.

#### Primary Education.

As regards the growth of primary education the degree of illiteracy is most important. There should be a radical alteration in the quality of primary education.

Bengal is divided into Hindus versus Mahomedans and Government versus the Opposition. A communal Ministry does not lead to an appeal for a verdict to the electorate because of the existence of communal representation. It is, therefore, difficult to foresee any line of advance which is not based on a greater equality of influence of the two classes which are broadly represented by landlords and tenants. The extension of the franchise by including a larger number of illiterates does not contribute to the solution. The only remedy is the extension of education. The suspension of the Transferred subjects gave the Bengal Government an opportunity to extend and improve primary education.

There has been no marked progress in University or secondary education. As regards the constitution and public, the electors do not take much interest in the elections.

#### Female Franchise.

An interesting feature was the enfranchisement of women. Thirteen per cent of them voted, but by far the largest number of female voters belong to the unfortunate class whose presence was distasteful to lady polling officers, and to a few respectable ladies who did appear to vote.

The illiterate voters were 34 per cent among non-Muhammedans and fifty among Muhammedans for the Legislative Council. For the Assembly the illiterate were nine per cent among non-Muhammedans and twenty-six per cent among Muhammedans.

The constituencies took little interest in the work of the Council except when the matter related to taxation or release of Mr. S. C. Bose. The general public has not yet realised the extent of real powers entrusted to the Council. The Executive Council is still regarded by the minority electorate as all powerful. Little improvement is expected until a higher standard of education is attained in the constituencies.

The only effective electoral organizations were the Congress Committees and an individual with only considerable local influence could succeed against a candidate supported by the Swarajist machine.

The influence of the press on public opinion is very great and with the disappearance of the "Indian Mirror" the pro-Government Indian Press ceased to exist. But criticisms were not directed solely against Government, for the various groups lost no opportunity of attacking one another. Party organization in the press did not reflect in the political life in their entirety.

#### The U. P. Report.

The United Provinces Government's report provides a very interesting reading and gives an impressionist summing up of its entire working. On the subject of allocation of funds, it is pointed out that the Finance Member's responsibility for spending in the departments on the Reserved Side has not resulted in these departments securing more than their fair share of money available. The Government hold the view that the inquiries by the Special Committees are natural and legitimate development of the Reforms.

The first Minister's policy of avoiding the official interference with the local bodies as far as possible has been continued by his successors. The general progress by self-governing bodies is not as satisfactory as should be expected.

#### Landlords' Influence.

The Government legislation did not occasion any difficulty except with regard to the tenancy and the land revenue. Throughout the discussion of these bills the landlords were badly led and showed little judgment. The controversies in the legislature had however little effect on the elections of 1927 and the landlords were returned in undiminished numbers, though the majority of voters are tenants. They are still amenable to the influence of their landlords.

The Home Member dissociated himself from this criticism regarding the attitude of the Landlord party in the Legislature.

Pure finance is not much considered in the budget discussions and the questions of policy raised are largely stereotyped. A point of some importance is the absence of any disposition to insist that Indianisation shall result in less expensive administration.

The report concludes: "It is difficult to attempt to sum the tendencies of the Provincial politics or to forecast the future. Little can be added to what has already been said. Dyarchy has now functioned for seven years and the administration has been carried on without a break and on the whole peacefully. Revenues have increased and more money have been spent upon developments in many directions. The Ministers have acquired an insight into the public problems and experience of difficulties of the administration and both in the legislature and to some extent outside it there has been general quickening interest in all public matters. It is probably a true saying that on the part of officials and non-officials alike, there is more general acceptance of the Dyarchy as the form of Government than there was when its illogicalities and cumbersomeness were more irksome by reason of their strangeness. Familiarity is breeding acquiescence, but the gap between the legislature and the people remains a profound one and there is a great cause for misgiving in the immense disparity between the work still to be done in qualifying an elector and the means which are so far in sight for doing it.

#### Communal Feeling.

As regards the relations of the Executive and the Legislature, there appear to be three main elements of weakness. One is the bitterness of communal feeling which may either bring about a deadlock or kill the political development by permanently forcing the Muslim element into an impotent alliance with the official element. Another is the lack of foresight and cohesion on the part of the dominant landlord party in the legislature which will make it difficult for them to hold out against the combination of the Nationalists and the Swarajists, and the third is the apparent lack of goodwill on the part of the Nationalists and the Swarajists towards any form of administration in which the British element has an effective voice.

Hitherto the majority in the Council for one reason or another have been willing, though with occasional manifestations of discontent, to maintain the working relations with the Reserved side of the Government. It is not certain that this state of things will continue. It is does not, the official Government of the time will have to choose between making their policy conform to the minimum demands of the new majority in the legislature or resolutely resisting those demands at the price of possible deadlock.

The Home Member and the Muslim Minister however think that the possibility of organising a permanent Government Party should be carefully examined.

### The Punjab Report.

The Punjab Government points out that owing to resignations from I.C.S. and I.P.S. there had been increased difficulty in carrying on the administration satisfactorily. It has not always been easy to satisfy the insistent demands for British Magistrates, British Investigating Officers which invariably follow communal rioting and compliance with such demands had been sometime possible at the cost of some dislocation of essential services. Owing to shortage in the I.C.S. cadre an unduly highly proportion of district and sessions judges were appointed from the Provincial Civil Service which weakened the efficiency of provincial judiciary.

The continued communal tension is bound to have some injurious effect on the services which were undergoing rapid process of Indianisation. The press attacks and questions in Councils have impaired the discipline in some of the subordinate services and there is evidence that feeling of insecurity based mainly on communal grounds, pervade certain establishments. Comparatively rapid process of Indianisation in certain departments had



frankly been used to adjust communal inequalities and in certain departments, at any rate, more importance is attached to political and communal connections than to departmental efficiency as means of advancement.

There is moreover a belief on the part of the public that corruption in the Services has increased since the introduction of the Reforms, in spite of the action taken by the local Government to eradicate it.

On the other side of the picture, the Ministers had excellent relations with the Services. The force of circumstances has in some cases tended to compel the Ministers to safeguard the claims of their community or party in respect of recruitment from the Services and communal considerations have occasionally impeded the choice of the most suitable men. But there has been a noticeable difference between the Ministers in this respect. Occasionally the I.C.S. heads resented this but on the whole there has been a general recognition that the Ministers must to some extent use patronage to consolidate their position in their parties. Ministers have (not) been quick to recognise good work, nor have they shown undue anxiety to expedite Indianisation at the sacrifice of efficiency.

As regards self-government there has been a tendency to centralise and departmentalise certain spheres of work formerly left to local bodies. The evils of communalism have perhaps been more apparent in the field of local self-government than in any other sphere. The first Muslim Minister for Local Self-Government had re-arranged representation on local bodies and though no objection could be taken to it on principle, one of the results of this policy has been to increase communal feeling.

Another unfortunate result has been that the sudden reduction of Hindu representation meant loss of men with considerable business training and experience of civic work.

The Council has on agricultural and co-operative matters given benevolent encouragement. It showed general but not well-informed readiness to promote industrial expansion. It took a sensible and reasonable attitude on the excise question.

Writing on the subject of the Council representing and reacting on public opinion, the Punjab Government declares that practically the only vehicle of public opinion in the Punjab is the press. It represents generally elements in society known for their hostility to British Administration, but of recent years this has yielded its place to a discussion of communal topics. It would be more correct to say that the press has had more influence on the expression of opinion in the Council than debates in the Council have on the press. Nevertheless, public interest in the Council has increased. The area of political consciousness is rapidly growing and the access of fresh elements largely representing classes with considerable stake in agriculture and commerce must tend to have a healthy and steady effect in politics. Questions in the Council relating to a constituency are asked by a distant member due probably to a desire of the representative to maintain good relations with local officials.

#### Political Parties.

As for party working, the Sikh party holds considerable influence. It sides with the Muslim ruler party on agricultural questions, while on political issues it has affinity with the extreme Hindu group and has a leaning towards the Hindus on communal questions. Bonds of party discipline in the Punjab Council are loose and on occasions of important divisions it is seldom safe to assume that all members of a party will obey the party whip. The Punjab politician has still to learn the advantages of party solidarity.

The chief events outside the Councils were the final collapse of Non-co-operation and the Akali agitation.

It is pointed out that both sides of the Government have freely discussed matters of importance and the adoption of this course had conduced to the development of the province at a difficult period of its evolution, even though it may tend to obscure to the public some of the implications of this Constitution of 1919.

### The Bihar & Orissa Report.

The Bihar Government reports that the pessimistic outlook of the Public Services has considerably been removed. The ingrained determination of the Council not merely to control the policy, but meddle in the details of the Executive Administration is directly responsible for the feeling that the governing officers are now required to serve two masters. The position of the District officers has definitely changed for the worse. Modern politicians elected to the District Boards and the Municipalities have no desire to have been trained. They resent interference and it is not possible for the District Officer to continue making futile attempts to improve matters. The local officers feel that less

interest is taken by the higher authorities in district work and more in politics, and he is for the present marking time. Apart from this uneasiness and mistrust, the relations between the members of the Services and the reformed Government have been harmonious.

There has been a grave deterioration in the administration of the local bodies and for lack of expenditure there was stagnation in the Reserved departments. The Council wishes to abolish all supervising officers and is blind to the wholesale fall in the standard of the administration which would inevitably result. The Council is unable to come to any final decision on any debatable matter. The Ministers claim considerable advance as a result of the Reforms, but the heads of the Transferred Departments take a somewhat different view. There has, however, been no marked decrease in the efficiency of the administration.

#### Professional Politicians.

An ominous and disquieting sign of the times is the growth of the class of professional politicians, mostly raw youths, who take up politics as livelihood and responsible Indians are openly apprehensive of this class who are gaining power. Bribery at the elections is rampant and an atmosphere congenial to the growth of professional politicians is being created.

The Council was reasonable in giving support to the Government measure to remove the practical difficulties of administration. There is no general public opinion on matters discussed in the Council and the ordinary member does not maintain any personal relations with his constituency.

As for party grouping Government relies on nominated members and landlords, but the position is far from easy until a definite party is consolidated, as the Swarajists form the largest unofficial group.

The press of the Province has little direct influence on the public opinion. As for the general political atmosphere, the anti-Government movement is now more indirect.

The ministers, Sir M. Fakhruddin and Sir Ganesh Dutt Singh, append a joint note claiming that the reforms have improved the efficiency of the administration. They do not think any chance of a group or party on communal lines being formed in the Council.

### The C. P. & Assam Report.

The Central Provinces Government claims the percentage of thirty-nine per cent allotted to the Transferred side, which exceeds that of any other province with one exception. The Government received advice and assistance from Council Committee.

As for the local self-Government instances of mismanagement and deterioration are natural in the transition period. It is hoped that higher sense of public responsibilities will begin to assert themselves.

During the period reviewed, the Swarajists obstructed successfully and the Transferred Departments were suspended. The polling in 1924 showed that members of the second Council were in a sense real representatives of electors, but owing to literacy and inexperience it was doubtful whether the majority had any idea about the policy which voted. The Swarajists could not therefore, he said to have obtained the mandate for obstruction. The creed of non-co-operation gradually gave way to saner counsels. The Non-Brahmin movement also made a considerable headway in the Marhatti-speaking districts and has now become active force in certain constituencies.

### The Assam Report.

The Assam Government reports that though the majority of elected members consider criticism of the Executive Government their most important function there had been no tendency for obstruction. On the other hand, members of all parties, including the Swarajists, had been willing to offer their services and advice on important questions of the policy.

As regards the ministerial joint responsibility, the Ministers have to be selected in consideration both of leadership and also communal claim. In the circumstances the Ministers must themselves decide to what extent they would accept joint responsibility.

As for the local bodies the regrettable feature is the laxity in supervision in accounts and reluctance to take adequate action in cases of fraud or culpable-negligence on the part of subordinates. But with the spread of education, the civil responsibility would grow with experience.

#### The Opium Bill.

There had been no cases of certification, return or reservation of bills, except the Opium Bills, to which Government withheld assent. The attitude of the Council towards

the legislation was on the whole reasonable, and except perhaps in the first year to the second Council the Government have experienced little difficulty in obtaining supplies from the Council. The Council has on the whole maintained a high standard of dignity and procedure. The Government compliments the abilities displayed by the Swarajists, the Independent and tea industry leaders in the Council. Proceedings of the House evoked little interest in the constituencies. The Swaraj Party was the only organised party. There is no Assam press and Bengal Press exercises influence in Assam. The Non-co-operation movement had little effect on the working of Municipalities and Local Boards.

### The Burma Report.

The Burma Government's report states that there has been no allocation of funds between the two halves as no demand has been made, nor any necessity arisen therefore. There has been no lack of co-operation between the Executive Government and the Legislature and no lack of harmony between the members, ministers and the heads or the personnel of the departments. The uneasiness in the Public Services has grown less. There has been no case of certification or reservation of bills or withholding assent, save in the case of the Burma Tax on Sea Passengers, nor has there been resort to Regulations or Ordinances or other extraordinary legislative powers.

In measures dealing with law and order the attitude of the opposition has been one of bitter hostility and unreasoning prejudice. It is significant that the attitude of hostility towards the police, public works and forest departments has changed very remarkably.

So far no outstanding personality has emerged from among the Burmans in the Legislative Council. Little interest is taken by the public in the proceedings of the Council. The influence of the press on politics is small.

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Proceedings of the  
Legislative Council  
Council of State  
and  
The Provincial Council

# The Legislative Assembly.

NEW DELHI—1st FEBRUARY 1928.

The cold weather session of the Legislative Assembly opened in New Delhi on the 1st FEBRUARY with Mr. Patel in the chair. Though the agenda was formal, a large number of people were attracted to the public galleries owing to the interest created in the session by political controversy. A number of members were sworn in and an hour was spent on questions.

## Reserve Bank Bill.

Sir Basil Blackett then rose to introduce the new Reserve Bank Bill.

The President allowed Mr. Aney to raise a point of order.

Mr. Aney contended that the motion of Sir Basil Blackett would not be in order for various reasons. The old Bill was partly discussed in the last session and the House had decided on its principle. Therefore, any motion now asking the Assembly to reopen the discussion of the same subject and going back on the principle already decided upon would offend against the principle of *res judicata*. Was Sir Basil right in bringing before the Assembly a Bill dealing with a subject which had not been finally decided and which the Assembly was in possession of? Such a procedure, even if it was technically correct, was not in accordance with the dignity and prestige of the Assembly which should refuse to be coerced. This abnormal procedure contemplated by the Government also offended against the rule of repetition and the rule of anticipation which were recognized in every constitution.

Sir Basil said he was zealous of the dignity of the assembly and in a true sense an Assembly man. He, therefore, trusted that the House would acquit him among other presumptuous sins of the sin of offending its dignity. Mr. Graham would explain the constitutional aspect.

Mr. Jamnadas Mehta said two courses were open to the Government; either to withdraw the old Bill and bring a new Bill or to get the old Bill passed in this House and bring amendments to it in the Council of State. But the Government would not have the old Bill withdrawn because they were sure withdrawal required unanimous consent of the house which the Government were sure they would not obtain.

*Sir Basil Blackett.*—The dignity of the House would be safer in the keeping of Mr. Jamnadas Mehta than in the suggestion that the Government should bring an amendment to the Bill in the other House.

Mr. Srinivasa Iyengar intervened in order to obtain a ruling from the Chair on this constitutional point with a view to enable the Congress party to determine its conduct on this and some other subjects. He said the Government had no right to introduce a new Bill when the Assembly was seized of the original Bill. It was the Chair and the whole House which were in possession of the old Bill. Moreover, having regard to the expressed commitment of the Government to the principle of the old bill, it was not open to the Finance Member from a technical or common-sense point of view to seek to introduce the new bill. Rule-making authorities never contemplated such a grotesque and absurd procedure as the Government contemplated.

Replying to the objections, Mr. Graham Legislative Secretary, explained that the House could not under the rules compel the Government to proceed with a Bill to its final conclusion. It was absurd and incongruous to suggest that for the preservation of the dignity of this House the Government should allow the old Bill to be passed here and then bring necessary amendments in the other House. The Government had no fears that if the old Bill had been asked to be withdrawn the House would not agree to it. That old Bill was alive but in a state of suspended animation and the Government did not propose to make any motion in respect of

it in this session. The House had seen the last of that Bill. (Cries of : 'Has it? Are you quite sure? It may come at any time.')

Proceeding, Mr. Graham maintained that there was no question of anticipation. Then on the ground of repetition, Mr. Graham quoted Standing Order 31 and said there had been precedents for it. When Sir Hari Singh Gour had brought forward a Bill for the removal of the sex bar against women legal practitioners practising in courts, no select committee thereon was appointed, because the Government had brought forward another Bill on the same subject.

At this stage the President drew the attention of Mr. Graham to the fact that Sir Hari Singh Gour did not convene a select committee on the Government undertaking that they would bring in their own Bill.

Mr. Graham contended that there were two bills before the House in the same session, for Sir Hari Singh Gour's Bill was not proceeded with. The same was the position now in respect of the present Bills.

Sir Purshotamdas called attention to the dangers of the procedure. Mr. Graham had said that the Government were not afraid of the withdrawal of the old bill. Why not then first withdraw it?

*Sir Basil Blackett*—Sir, the only question before the House is whether the procedure is regular or not.

*The Chair*.—Sir Purshotamdas is in order.

Sir Purshotamdas, continuing, said the case of Sir Hari Singh Gour was not identical. 'I say, Sir, the Government will itself regret this procedure in future. It is an insult to this House, and is a mockery to those who spent months in the joint committee to consider the original Bill. (Applause.)

Munshi Iswar *Saran* opined that while the House could not compel the author of any Bill to proceed with the Bill, it could put its foot down against Government playing with it by introducing parallel legislation. This dangerous procedure, if followed in future, might lead at a time to the introducing of two, three or four parallel Bills on the same subject.

### President's Ruling.

The *President* then gave his considered ruling on the point, which in effect was that unless the Government withdrew the old Bill he could not call upon Sir Basil Blackett to make a formal introduction of the Bill. The *President* said :—

"The question raised has two aspects. The first is whether the method adopted by the Finance Member in dealing with the Reserve Bill in the Assembly so violates the proprieties of the House as to constitute it an abuse of its forms and procedure. The second is whether the new Bill in so far as it provides for a shareholders' bank, as against the decision of the Assembly in favour of a State bank, is not barred by the rule of repetition contained in Standing Order 31 of the manual. On this second point my view is that unless a motion asking the Assembly to consider the clause in the new Bill providing for a shareholders' bank is made by the Finance Member the bar arising, if at all, from the rule against repetition does not operate. It is, therefore, necessary for me at this stage to consider that question and, indeed, I do not propose on this occasion to say anything more than what is strictly necessary for the purpose in-hand.

### HISTORY OF THE MEASURE

Coming now to the first question, it is necessary for the Chair to bear in mind the previous history of this piece of legislation in order to decide whether the method now proposed by the Finance Member violates the proprieties of this House. It will be remembered that the Finance Member introduced his Reserve Bank Bill in the Delhi session last year and it was then referred to a joint select committee of both Houses. That committee consisted of 30 members and held its sittings for several days at different places. The fight between Government and the non-official members on the committee centred round two important matters: (1) whether the Reserve Bank should be a State bank or a stockholders' bank, and (2) what should be the constitution of the board. On both these points the Government lost, and the Finance Member made his minute of dissent on the report of the joint select committee. The bill as reported was then presented to the House

for consideration at the Simla session. After nearly three days' discussion on that stage the Finance Member, on behalf of the Government, accepted the recommendations of the joint select committee, to the nonofficial view at the same time making it quite clear that the House should come to some reasonable understanding on the question of constitution of the board. The Bill was then considered clause by clause and the first seven clause were passed by the House, including the clause regarding the State bank. The eighth clause regarding the constitution of the bank was being considered on the 1st September when the House adjourned to the 2nd September. When the House assembled on that day the Finance Member requested the Chair to adjourn further consideration of the Bill to the 5th September in order to enable him to come to some understanding on the question of constitution of the bank with the various party leaders in the House. This request was granted and the House again met on the 5th September when it was found that the Government had not included the item on the agenda, nor was any explanation forthcoming why that was not done. At the following meeting of the Assembly on the 8th September the Finance Member made a statement of the next week's business and announced the decision of the Government that they had no intention of proceeding further with the Reserve Bank Bill at present. This announcement was resented by the nonofficial members and the whole of the Swaraj Party left the House as a protest. On the 13th September when the House reassembled a motion censuring the Government of India for withdrawing the Reserve Bank Bill from the consideration of the House at that stage in that sudden and abrupt manner was discussed and carried. In explaining the attitude of the Government on that motion the Finance Member expressed himself thus : "I entirely agree to the House. If the members of this House are of opinion that an affront was offered to the House, I can only say on behalf of the Government that no such affront was desired or intended, and I am very sorry that any impression of that sort should have gone abroad. As regards the withdrawal of the Bill what the Government have done is to come to the conclusion that in view of the time available during this session [and the complexity of the problem still to be solved it was not desirable to attempt to complete the Bill this session."

#### CORRECT PROCEDURE.

This is the history of the Bill which the Chair has to bear in mind in deciding whether the method which the Finance Member now proposes to adopt violate the proprieties of this House. The Finance Member intends today to introduce a new Reserve Bank Bill. Under Standing Order 4 (2) of the manual, the old Reserve Bank Bill is still on the pending list of business. It has neither been withdrawn nor has it lapsed by the efflux of time. It is no doubt true that the mover of a Bill is entitled to drop it altogether in the sense that he makes no further motion with regard to it, but if he drops a Bill and proposes to introduce another instead on the same subject what should be the correct procedure for the member to adopt is a question which the Chair has to consider in this connection.

I have taken some trouble to ascertain the practice of the House of Commons in matters of this kind, and though I have not been able to find any reported case which is on all-fours with the case we are considering, there are cases which, if they do not bear materially upon this question, certainly illustrate the principle involved in it. A member who has introduced a Bill drops it himself or is required to drop it, either because he is not satisfied with its provisions and desires to make material alterations in it or because the committee to which the Bill has been referred recommends such radical alterations in it as to constitute it entirely a different Bill from that which has been read a second time by the House and committed.

#### PRECEDENTS OF HOUSE OF COMMONS.

In 1873 the mover of the University Test (Dublin) Bill made material alterations in the Bill as introduced and the Speaker held that the Bill should be withdrawn with the leave of the House and a new Bill introduced.

In 1878 when the order for the second reading of the Hypothec (Scotland)

Bill was read, objection was taken that the Bill had been so transformed as virtually to amount to a new Bill. The Speaker ruled that the Bill should be withdrawn with the leave of the House and a new Bill substituted.

These are cases where alterations have been introduced on the sole authority of the member who had introduced the Bill and not by a committee of the House. The Partnership Amendment Bill, 1866, was committed *pro-forma* and a great number of amendments were proposed in the committee which so changed the Bill as to transform it into an entirely new Bill.

The Title Rent Charge Recovery Bill of 1899 was materially altered by the committee to which it was referred and the Speaker in both cases unhesitatingly affirmed that the practice of the House had been in cases of that kind to withdraw the old Bill and then to introduce a new Bill in an amended form.

In the University Test (Dublin) Bill above referred to, the Speaker expressed the practice of the House in these words. "There is no principle more clearly laid down in this House than this. When a member has introduced a Bill to the House it ceases to be in that member's hands and passes into the possession of the House. No essential alterations in that Bill at any stage may then be made without a distinct order of the House. I may remind the House that principle applies with special force when the House proposes to go into a committee *pro-forma* on a Bill in order to meet objections to that Bill raised on the second reading. Upon those occasions it is clearly established that no alteration can be introduced in a Bill inconsistent with the general character of the Bill. The House has clearly laid down a clear course for the members to take. If they desire to make any essential alterations in a Bill, on which they have charge at any stage, that course is to ask the leave of the House to withdraw the Bill and to present another instead thereof. That is the proper course to take, and that is the course which, as I understand, the hon. member proposes to take."

The case that we are considering is further complicated by reason of the fact that the old Bill, which is still pending, has not only been considered in committee and reported upon, but also the consideration of that as reported by the joint select committee has been approved by the House and decisions on several clauses reached. The Finance Member by proposing to introduce his new Bill on the same subject endeavours in effect to make material alterations not so much in the old Bill as introduced but in the Bill as amended by the joint select committee and furthermore, in the decisions already reached by the House.

The rule of practice enunciated by the Speaker of the House of Commons in the cases above referred to applies, therefore, with greater force to this case. If the Finance Member had chosen to continue the old Bill he could not have made any motion asking the Assembly to reconsider its decision in favour of a State bank as against a shareholders' bank. It cannot be argued that the rule against repetition applies to motion made during the same session and, therefore, there would be no objection to the reopening of the question of State *versus* shareholders' bank in the following session. In fact, the Finance Member could not have got an opportunity to re-open the question, as the Bill would have been taken up for consideration from the stage at which it was left over and no President would allow a Finance Member or an Assembly to go back on the clauses of a Bill already passed. If, therefore, the Finance Member could not have reopened the question of State *versus* shareholders' bank in the ordinary course, he is, in my opinion, not entitled to do so by resorting to this extraordinary procedure. The practice of the House of Commons that a member desiring to make substantial alterations in a Bill introduced by him can only do so by withdrawing the Bill with the leave of the House and introducing a fresh Bill in an amended form is in my opinion based on considerations of propriety of parliamentary procedure and has no relation whatever to the rule against repetition. If any motions in connection with a new Bill are otherwise barred by the rule against repetition, it is difficult to understand how the withdrawal of an old Bill can save them from such a bar. I am not, however, called upon to express any opinion on this question at present.



## AN ABUSE OF PROCEDURE

There is one other point to which I should like to refer before I conclude my observations. The position of the Assembly has been rendered much more difficult in this case by reason of the fact that the new Bill has already been published in the *Gazette of India* under orders of the Governor-General in Council. This procedure has deprived the Assembly of an opportunity of refusing the same subject as a protest against the method adopted by the Government in dealing with the Reserve Bank Bill. That being so it is now for the Chair as the sole interpreter of the rules and standing orders of the House and guardian and protector of its rights and privileges to intervene. Holding these views and taking the fullest responsibility for my decision I unhesitatingly affirm that the method proposed to be adopted by the Finance Member violates the proprieties of the House and is an abuse of its procedure, and I, therefore, regret I must decline to recall upon him to introduce his Bill. (Applause from the Swarajist, Nationalist and Independent benches.)

There are two courses open to Government : (1) To withdraw the first Bill with the leave of the Assembly, if it is given, and introduce the proposed new Bill. In suggesting this course I desire to guard myself against conveying any impression that the withdrawal of the old Bill will remove all difficulties in the way of introduction of the new Bill in this session. (2) The only other and safer course for the Government is to allow the first Bill to disappear from the pending list of business by lapse of time and then introduce this Bill (*vice* proviso to Standing Order 4 (2)."

After the President's ruling the Swarajist members withdrew from the House in a body.

## INDIAN MERCHANT SHIPPING ACT AMENDMENT BILL.

On the motion of Sir Geogre *Rainy* the Bill Amending the Indian Merchant Shipping Act was then introduced.

Sir Geogre Rainy in his statement of objects and reasons observed that the list of central subjects in the Schedule to the Devolution Rules made under section 45-A of the Government of India Act included the following :—(1) Shipping and navigation, (2) lighthouses, (3) port quarantine, and (4) major ports. All these subjects are now administered through the agency of the local Governments as provided by section 45-A (1) (c) of the Government of India Act and the statutory powers in respect of them had hitherto to a large extent been vested in the local Governments. At a conference held in Delhi in November 1924 which was attended by representatives of the local Governments, the chairmen of the port trusts of major ports, port officers and port health officers as well as by representatives of the departments of the Government of India concerned, it was considered whether these subjects should continue to be administered through the agency of the local Governments or should be administered direct by the Governor-General in Council. As a result of these discussions the Government of India decided that (1) shipping and navigation and (2) lighthouses should be administered direct and that legislation should be undertaken so as to vest the necessary statutory powers in the Governor-General in Council. They also decided that the question of the major ports about which there was some difference of opinion should be reconsidered later when experience of the central administration of other subjects had been gained. Port quarantine, which is closely connected with sanitation of the port generally will also be dealt with separately.

The Indian Lighthouse Act, which was passed in September, 1927, provides for the direct administration of light-houses by the Governor-General in Council. The object of the present Bill is to amend the Indian Merchant Shipping Act, 1923, so as to provide for the administration of shipping and navigation by the Governor-General in Council direct instead of through the agency of local Governments. The amendments which were specified in the schedule to the Bill, were mainly formal, substituting the words 'Governor-General in Council' for 'local Government' and, making the necessary consequential amendments. Clause 7 of the Bill, however, empowered the Governor-General in Council to delegate to any local Government, all or any of his powers under the Act. This provision has been included in the Bill.

to give necessary elasticity in the administration during the period of transition and to permit the delegation of powers in matters which may be found can more conveniently continue to be administered through the agency of the local Governments.

#### BUSINESS FOR NEXT WEEK.

Sir Basil Blackett then announced that in view of the ruling of the President on the introduction of the Reserve Bank Bill, he was unable to make a statement with regard to the business to be transacted next week. He hoped to make that statement at the earliest possible opportunity.

#### ADJOURNMENT MOTION ON LIQUOR BILL.

The Assembly next discussed the adjournment motion of Pandit *Kunzru* regarding this Liquor Bill before the South African Parliament. He traced the history of the Cape Town Agreement and said that although every section of Indians was not satisfied with it they accepted it as marking a great advance in the hope that it would lead to an amicable understanding for all future. That the hope expressed by Mr. Bhoré in the Assembly in announcing the terms of the Agreement was well founded was evident from the clause which stated that it was the duty of every civilized government to devise ways and means to uplift every section of its permanent population to the fullest extent of their capacities and opportunities. There was thus to be no question of driving out Indians by racial legislation. It was further thought that if the principle of equal wages for equal work was introduced the position would right itself. But this Bill clearly was a racial legislation against Indians inasmuch as it was specially aimed against the Asiatics. After the conclusion of the agreement relating to equal pay for equal work there was absolutely no reason why Indians should be driven out of any profession, since there could be no fear that they would enter into unfair competition with Europeans. No doubt the Minister of Justice in South Africa had given the assurance that the Liquor Bill would not affect the Indians already employed in the industry. But that is not enough. In accordance with the Cape Town Agreement no cause should rise in future that would create bad blood between the two countries.

Mr. *Bajpai*, on behalf of the Government, assured the House that since October, 1927, when the Bill was published the Government of India fully realizing its importance took all necessary steps to bring their views before the Union Government—views which in this matter were always identical with those of the Assembly and the country. This measure undoubtedly raised racial questions whether Indians should or should not be employed in this industry, but its scope was limited. The limited scope, however, did not make the Government of India feel oblivious of the importance of the legislation, and the Government of India in accordance with the letter and spirit of the Cape Town Agreement had represented to the Union Government that it was contrary to that Agreement and that on the grounds of equity there was no justification for passing it. But the House must be aware that the relation between India and South Africa was much better than what it was in 1925 when the Colour Bar Bill was before that Parliament, or in 1925 when the situation was at one time so grave, that there was no proper atmosphere even for the Round Table Conference. But happily the conference did meet and the Agreement was arrived at, and there was an Agent in South Africa who was Agent not only of the Government of India but of the people of India, who enjoyed the fullest measure of the confidence of the Assembly and the Indian community in South Africa, who was held in esteem by the European community in South Africa and respected by the Union Government. The Government of India would back up Mr. Sastri at every stage of his representation on behalf of India, and Mr. Bajpai, therefore, begged the House not to pass the motion which was a virtual vote of censure.

Lala Lajpat *Rai* said if the Bill were carried into law it would violate the spirit of the Agreement. He was glad to have an assurance from the Government of India that they were doing their best to safeguard Indian interests. He, however,

warned the Government that the feeling in India was one of strong resentment. He advised Mr. Kunzru to withdraw the motion.

Leave being given, Mr. Kunzru withdrew the motion. The Swarajists did not attend throughout the after-lunch proceedings. The House then adjourned.

### The Viceroy's Address.

On the *2nd FEBRUARY* both the Houses of the Legislature met to hear the Viceroy's inaugural address. It was a stirring address which was listened with rapt attention. One hundred and ten members attended and there were about 500 visitors. The Viceroy's speech took thirty minutes and was loudly applauded. His Excellency said :—

"GENTLEMEN,—With the exception of one topic to which I will return later in my speech, I do not propose today to deal with all the various important subjects which are likely to come before you for consideration this session. But there are one or two matters to which I think it is proper that I should make brief reference.

Our relations with foreign states along our great land frontier, from Persia in the west to Siam in the east, continue, I rejoice to say, very cordial in character. India has been honoured by a public visit from his Majesty the King of Afghanistan on his way to Europe, and the warmth of his welcome, by Government and people alike, was evidence of the links of friendship and common interest that bind the two countries together. It was a matter of much disappointment to me that indisposition debarred me from active participation in the welcome to his Majesty. My disappointment was no less great than indisposition should have robbed me of the pleasure of making the personal acquaintance of that sagacious statesman, his Highness the Prime Minister of Nepal, now in Calcutta on a visit which only the state of his health precluded from being a public visit and which, I trust, will soon lead to a complete restoration of his normal vigour.

### INDIANS OVERSEAS.

I pass from the subject of India's external relations with her territorial neighbours to mention recent events affecting the position of Indians overseas. Hon. members will have observed with great satisfaction the cordial spirit in which the appointment of the Rt. hon. Srinivasa Sastri as our Agent in South Africa has been from the first received both by the Union Government and by the various sections of the public, both European and Indian, in that country. Since his arrival our Agent has performed invaluable work in consolidating the friendly relations between the two countries, in stimulating among the Indian settlers the desire for self-help and in promoting between Europeans and Indians in South Africa a clearer perception of mutual obligations. He has realized the highest expectations of those who, appreciating his capacity and gifts, expected most from him and there is, therefore, every reason to hope that questions which are still outstanding or may arise in the future will be harmoniously adjusted.

Indians in East Africa have also recently claimed the special attention of my Government and of hon. members. Acting on a suggestion of a representative deputation of the Legislature which waited on me in Simla last September, my Government have recently sent Kunwar Maharaj Singh and Mr. Ewbank to assist the Indian communities concerned in connection with the Commission which has been deputed by his Majesty's Government to examine locally certain aspects of future policy. Our representatives have already made a rapid tour of the territories in which Indian interests are important and are now working there in close relation with the accredited leaders of Indian opinion. Hon. members may feel confident that any case which the Indian settlers may desire to advance will be effectively presented and can count upon careful consideration at the hands of the Commission.

### STATUTORY COMMISSION.

I now turn to the major political question which it is necessary that I should ask you to examine in greater detail. Since I last addressed the Legislature, his Majesty's Government have, as hon. members are aware, taken certain decisions in connection with the Statutory Commission which are of vital concern to India.

Circumstances made it impossible for me to announce these decisions to the Legislature, as I should naturally have wished to do, and I therefore, avail myself of this the earliest convenient occasion to make some observations in regard to them. I need not recapitulate what I said in my statement of Nov. 8. That statement gave at length the reasons which had prompted his Majesty's Government to accelerate the date of the enquiry and to appoint a Parliamentary Commission. It outlined the proposed procedure at the various stages and indicated broadly the lines on which his Majesty's Government hope to unite the best efforts of the chosen representatives of India and Great Britain in the wise ordering of India's future. Within the general framework as there described, the Prime Minister made it plain in the course of the Parliamentary debates that it was the considered intention of his Majesty's Government to leave to the Commission itself full discretion as to the methods by which they should approach their task. The Commission arrives in India tomorrow, not as yet on its more formal mission, but with the hardly less important object of enabling its members to acquaint themselves with the general working of the legislative and administrative machines and hold informal consultations for the purpose of determining the most appropriate means of discharging the responsibility which Parliament has laid upon them.

#### DIFFERENCE OF OPINION.

Considerable difference of opinion has become apparent as to the way in which India should receive these decisions of his Majesty's Government and of Parliament. On the one hand, those who speak for important sections of India political thought have been loud in their criticism and condemnation of the scheme approved by Parliament; on the other hand, many thoughtful and distinguished Indians, as well as large and powerful communities, have declared themselves in favour both of the Commission's constitution and of the general procedure that has been devised and have expressed their readiness to give it all the assistance that they can.

#### MISAPPREHENSIONS.

I do not propose to enter far into the lists of controversy, but there are two points to which I think it right to refer. It has been freely said that his Majesty's Government have done Indians a real injustice in denying to them adequate means by which Indian opinion may influence and affect those proceedings. Such charges as these arise in part from the genuine failure of some critics to appreciate features of scheme which, I thought, had been sufficiently plainly stated. It has, for instance, been assumed that representatives of India would not confer with Joint Parliamentary Committee in London until after Parliament had reached main decisions of principle upon the second reading of a Bill. That this is not the case is clear from my statement of Nov. 8 in which I said that it was not the intention of his Majesty's Government to ask Parliament to adopt any proposals which, as a result of the Commission's report, might be put forward without first giving an opportunity for Indian opinion by personal contact to exert its full weight in shaping the view of the Joint Parliamentary Committee in regard to them. I was careful to point out that at this stage Parliament will not have been asked to express any opinion on particular proposals and that therefore, so far as Parliament is concerned, the whole field will still be open.

#### 'MISTAKING SHADOWS FOR REALITY.'

Apart from such misapprehensions, I am free to admit that the question of whether or not better means could have been devised for associating Indian opinion with the enquiry which Parliament is bound to undertake is one on which every man is entitled to hold his own view. But though Indian leaders have the right, if they wish, to say that his Majesty's Government have chosen the wrong method of such association, they are not at liberty, if they desire to retain the character of true counsellors of the people or of honest controversialists, to say that his Majesty's Government have not sought means—and I would add, very full and very unprecedented means—of placing Indians in a position to take an ample share with them in the evolution of their country's future. I cannot help thinking, if we may attempt to look beyond the present dust and turmoil of argument, assertion and

debate, that there is real danger in some quarters of mistaking shadows for reality. I doubt whether those who criticize the broad framework of the plan approved by all parties in Parliament, have reflected upon what is implicit in the idea of the select committees. In the earlier stages, there is the association of these committees with the Commission through whatever procedure the chairman and members of the Commission, after placing themselves fully in touch with Indian opinion, may deem best calculated to enable them to discharge the duty entrusted to them. In due time the Commission will have completed its task and the matter will pass into other hands. At this moment, as the Commission moves from the stage, the central Legislature has, if it so desires, through chosen representatives of its own, perhaps the greatest and most powerful means of influencing the further current of events. It is at this juncture invited through some of its members to sit with Parliament itself, acting in its turn through its own Joint Select Committee.

#### FULL ASSOCIATION BETWEEN PARLIAMENT AND INDIAN LEGISLATURE.

Let us picture to ourselves the Joint Select Committee of Parliament and the select committee of this Legislature sitting together in one of the committee rooms of Westminster to consider the proposals of his Majesty's Government. These proposals will deal with a vast problem on which Parliament, indeed, has to decide, but where it is no more to the interest of Great Britain than it is to that of India that the issues should not be clouded by avoidable difference or disagreement, and in regard to which, therefore, Parliament will naturally seek to reach decisions that command as great a measure as may be of reasoned Indian political support. Is it not fair to conclude that both the Joint Parliamentary Committee charged with the function of making final recommendations to Parliament and, earlier, the Commission, each being masters within very wide limits of their own procedure, will desire to go to the farthest point that they deem possible in order to carry along with them the convinced assent of the representatives of India with whom they will, under the plan proposed, be working in close and intimate relations?

#### JUDGMENT OF POSTERITY.

To suggest that in these circumstances the effect of Indian opinion, if it avails itself freely of its opportunities, will be no greater than that which might be associated with the role of witnesses and will not indeed be such as to influence the course of events throughout every stage, is to advance a proposition that no political experience can support and that, I should have thought, no one who was versed in the process and management of public affairs would seriously maintain. Any such impression is as strangely at variance with the intentions of Parliament recorded in recent debates as it is with any such picture as I have sought to draw of the process in operation. It is surely obvious that what will be of supreme importance to India at both stages will be the quality of the men she has chosen to represent her, and it is difficult to conceive of any way in which Parliament could have given a more clear indication of its desire both to give full weight to Indian opinion and to recognize the dignity and position of the Indian Legislature. In such matters it is well to remember that constitutional forms are nothing but instruments in the hands of men responding to the skill of the craftsman as the plain chisel in the hand of the expert sculptor; and as men are greater than the instruments they use, we gravely err if we suppose that complaint, however loud, of the tools which circumstance has placed in our hands, will suffice to induce posterity to hold us guiltless if in the result our workmanship whether through lack of will or of capacity, is found wanting. Whatever men may be tempted to think at the present moment, I dare predict that the searching inquest of history will not fail to return judgment against those who sought to use their power to hinder when it was in their power to help.

#### A SERIOUS CHARGE.

The other main point to which I invite attention is the statement which has been widely and repeatedly made that his Majesty's Government have deliberately offered an affront to India by the exclusion of Indians from the personnel of the Commission. I have said enough to make it plain why I do not think it reasonable

for any Indian to feel that he or his country has been slighted by the decision of his Majesty's Government. The relative merits of the various methods of associating India with this business are, as I have said, matters on which opinion may legitimately be divided. But to go further and say that his Majesty's Government deliberately intended to affront Indian feeling is a very much more serious charge to make and the first duty of those who make it is to satisfy themselves that it is well founded.

Let me make it very plain that I expect Indians, as I would be myself, to be sensitive of their honour. None, whether individuals or nations, can afford to be otherwise. Honour and self-respect lie at the foundation of all social life. But honour and self-respect are not enhanced by creating affronts in our imagination where none in fact exists. For, the essence of any such offence as of rudeness in private life lies in the intention behind the act and no reasonable person would dream of blaming the conduct of another lacking. In the present case British statesmen of all parties have stated in terms admitting of no misconception that the appointment of a Parliamentary Commission was in no way intended as an affront to India. Time and again, this assertion has been repeated and I would ask in all sincerity: By what right do leaders of Indian opinion, who are as jealous as I am of their own good faith and would resent as sharply as I any refusal to believe their word, impugn the good faith and disbelieve the plain word of others? I would deny to no man the right to state freely and frankly his honest opinion, to condemn, if he wishes, the action of his Majesty's Government in this regard, or to say that they acted unwisely or in misapprehension of the true feeling that exists in India. That, again, is a matter of opinion. But what no man is entitled to say, for it is quite simply not true, is that his Majesty's Government sought to offer a deliberate affront to Indian honour and Indian pride.

#### INDIA MUST PERSUADE PARLIAMENT.

I have thought it right to speak plainly on these misunderstandings because they have been widely represented as the justification of some at any rate of the counsels which urge Indians to abstain from all part or lot in the enquiry now to be set on foot. I feel at the same time a profound and growing conviction that those who would argue that such abstention will do no harm to the cause of India are dangerously deluding themselves and others. There are, of course, those who would wholly deny the moral right of Parliament to be the tribunal in this case. But as I have said more than once, however much I may respect many of those who take this view, I do not pretend to be able to reconcile it with the actual situation which to-day we have to consider. I have during the time that I have been in India been careful to avoid saying anything that might magnify differences that must inevitably exist and have never invited any man to forego principles to which he felt in conscience bound to subscribe. But let nobody suppose that he is assisting the realization of his ideals by reluctance to look on facts as they are. It is in no spirit of argument or lack of sympathy with Indian aspirations that I repeat that India, if she desires to secure Parliamentary approval to political change, must persuade Parliament that such change is wisely conceived and likely to benefit those affected by it. She has now the opportunity of making her persuasion felt through the means of the Commission, statutorily established. The Commission has been established with the assent and cooperation of all British parties. They will carry through their enquiry with, it is hoped, the generous assistance of all shades of Indian opinion. But whether such assistance is offered or withheld, the enquiry will proceed and a report will be presented to Parliament, on which Parliament will take whatever action it deems appropriate. Any one who has been able to read the full report of the debates in Parliament on the motions to appoint the Commission must have been impressed by the evidence of spontaneous goodwill towards India with which the speeches of responsible spokesmen of all parties were instinct. This good-will would naturally be a factor of immense importance in determining the attitude of Parliament towards the question, and I would very earnestly hope that it might not be lightly cast aside. And yet it is certain that an agitation, fostered and promoted by methods which have led to grave occurrences in the past, is bound to breed serious

misgivings in the mind of the British Parliament with whom at present lies the final decision in Indian political affairs.

#### THE POLICY OF BOYCOTT.

What then in India or Great Britain is to be gained by a policy of Boycott? Neither I nor any one else can predict the effect upon the commission's report or, later, upon the mind of Parliament if many of those who claim to speak for India decide at every stage to stand wholly aloof from a task in which Parliament has solicited their assistance and collaboration. It is clearly possible for people to stand aside and withhold their contribution, just as it will be possible for the Commission to prosecute its enquiry and with the assistance at its disposal reach conclusions in spite of such abstention. But it the least it would seem certain that such an attitude must interpose yet further obstacles to the discovery of that more excellent way of mutual understanding which the best friends of India of every race well know to be requisite for her orderly evolution to nationhood. And meanwhile, in order to mobilize national resentment at an alleged deliberate affront that has never been more than the fiction of men's imaginations, appeal will have been made under the guise of vindicating national self-respect which there has been no attempt to impair, to all the lowest and worst elements of suspicion, bitterness and hostility. Those were wise words of one of India's most distinguished sons a few weeks ago which repeated the lesson—taught more than once of recent years—that it is easier to arouse than to allay such forces, which too readily pass beyond the control of those who invoke their aid.

#### A WELLWISHER'S APPEAL.

I do not know whether I am too sanguine in hoping that even at this hour it may be that words of mine might induce some of those who aspire to guide their fellow-countrymen in India to desist from a line of action which at the best can only lead to negative results and disappointment and may at the worst bring consequences of which India is unhappily not without experience. But in any case I feel it to be not less incumbent upon me now to state what I believe to be the truth in this matter than I lately judged it to be my duty to direct the attention of India to the communal antagonisms that threatened the destruction of any attempts to build an Indian nation. The counsel I then gave was, I am glad to think, regarded as that of a wellwisher, sincerely desirous of assisting India. But the counsel of a friend must be independent of what at any particular moment some of those whom he addresses may desire to hear. And if that which I now give is less universally certain of acceptance it is not less dictated by my desire to dissuade India, as I verily believe, from mistaking the path at one of the crossroads of her destiny". Thus finished H. E. the Viceroy his address to the Legislature which then adjourned.

#### Reserve Bank Bill.

The next meeting of the Assembly was held on the 6th *FEBRUARY* after three days' recess. The consideration of the Reserve Bank Bill as amended by the Joint Committee was the sole item on the agenda. Sir Basil Blackett announcing the Government procedure regarding the Reserve Bank Bill and the business for the next week, said the Government had bowed to the ruling of the Chair. (Nonofficial applause). The question was how to deal with the situation it had created. There were originally three courses open to the Government. They could have moved for the withdrawal of the old Bill with a view to proceeding with the new one. But it was desirable that the members and the public should before the opening of the session know through publication in the Gazette of India the new proposals.

Moreover, in the absence of knowledge of the new proposals, the House might very reasonably have objected to the withdrawal of the old Bill. And the President's ruling had confirmed their fear of possible impediments to the unhampered consideration of the new Bill caused by the procedure after the withdrawal of the old Bill. The Government, therefore, thought that the best course was to publish the new Bill and proceed with it without moving for the withdrawal of the old

one. They were unaware that such a course would be regarded as irregular, but assuming its regularity they held that it was one most conducive to the dignity and convenience of the House. This procedure had now been ruled by the President to be impracticable.

The Government were not prepared to abandon altogether its attempt to bring the Reserve Bank Bill into existence at an early date. They wanted to give the Legislature a full and clear opportunity to decide whether it wished, as the Government believed it did, to secure the establishment of a reserve bank on sound lines in India. The Government, indeed, felt that the House would have cause for dissatisfaction if the difficulties of procedure, independent of the merits of the measure, were to result in an indefinite postponement of this important subject.

The course of proceeding with the old Bill was open to certain objections and involved some inconvenience both to the Government and to the House. The form in which the Bill would be acceptable to the Government was known to the House. In order that a piece of legislation on which so much labour had been spent and so large a measure of agreement had been achieved by the all-round cooperation of all parties in the House, which he gladly acknowledged with gratitude, in order that a measure which the Government believed to be generally regarded as fraught with a promise of great benefit to India as a whole may not be jettisoned without at any rate one further effort, the Government had come to the conclusion that the best course would be to resume forthwith the consideration of the old Bill.

The House then proceeded with the disposal of Mr. Cock's amendment providing for two deputy governors and omitting the statutory provision that one of them should be an Indian.

The amendment was put to vote and carried by 53 votes against 45.

#### SALARIES AND ALLOWANCES OF GOVERNOR.

Sir Basil Blackett next moved that the salaries and allowances of the governor and deputy governors of the bank may be determined by the board subject to a minimum prescribed by the Governor-General in Council. This was necessary to prevent the possibility of an absolute deadlock.

Sir Purshotamdas Thakurdas, opposing, said the amendment was redundant and merely showed want of Government's confidence in the board.

The amendment was carried.

#### A DIRECTOR TO REPRESENT LABOUR

Mr. N. M. Joshi moved that one director should be elected by the trade unions registered under the Indian Trade Unions Act.

He regretted the absence of wage-earners' representatives on the board and said that considering that the people whom he sought to represent numbered five crores, he should have suggested the election of four persons.

Mr. B. Das supported the amendment.

Sir Basil Blackett said the matter was interesting for a debate but involved a principle which should not be incorporated in the scheme of the directorate. He assured the House, however, that the interests of the labouring classes would receive their due weight. In this matter he stood for the joint committee scheme. (Laughter). The amendment was defeated by 36 votes against 53.

The House accepted without discussion Sir Basil Blackett's amendment stating that the representative of cooperative banks would not represent the interests of those banks but the agricultural interests of the whole of India.

#### LEGISLATURE'S RIGHT TO NOMINATE DIRECTORS.

Sir Basil Blackett next moved for the elimination of the clause providing for three directors being elected by the Indian Legislature. Sir Basil said it was a cardinal principle of the introduction of a reserve bank that the Legislature should have no representation on its board. The Government opposed using the legislatures for purposes for which they were not brought into being and thereby bringing business into politics and politics into business. This matter was debated fully in Simla and he made it clear that the Government considered their proposal on this subject of very great importance.



Mr. Jamnadas Mehta, opposing Sir Basil Blackett's motion, agreed that the directorate of the bank should be free from political pressure. (Hear, hear). But when the Government of India, which was a political institution subordinate to another political institution—the British Cabinet—was empowered to make nominations to the board, then it was preposterous that the Legislature, which he averred was not a political body, should be prevented from electing a few directors.

Proceeding, Mr. Jamnadas Mehta quoted the opinion of Sir Felix Schuster, which did not support the idea that the Legislature would exert political pressure, if empowered to elect directors.

Sir Basil Blackett, intervening, pointed out that the Government's contention was that members of the Legislature should not themselves become directors.

Mr. Jamnadas Mehta said there was nothing wrong in the Legislature being represented on the board, because the central Legislature had a wide representation of economic interests and was just the body that should be given the right to select three directors in order to ensure the success of the bank.

Mr. Anwar-ul-Azim, supporting Sir Basil Blackett said that it was all right if eminent leaders like Pandit Malaviya, Lala Lajpat Rai and Mr. Jinnah were elected on the directorate, but there was no guarantee that they would be. It was his clear opinion that they should not dabble both in finance and politics.

Mr. Yamin Khan strongly supported the Finance Member's amendment. His main objection to the clause was that men like Sir Abdul Qayum and representatives of the depressed classes and representatives of the Indian Christian community were prevented from being directors.

Mr. Vidyasagar Pandya, opposing the amendment, quoted the instance of the bank in the United States of America where the legislature had the right of nomination.

Mr. Sesha Iyengar said the Government were fighting shy of the control of the Legislature in order that the bank might avoid inconvenient criticism, wherever the management went wrong.

Mr. Aney disposed of the two previous speakers who would support every Government proposal because it came from the Government. The sole justification for the Bill was to remove the Secretary of State's and the Government's interference and control. But that object would be stultified if the amendment was accepted. He had gathered in the last session that Sir Basil Blackett did not have any fundamental objection to the proposal.

#### POLITICS AND BUSINESS CANNOT BE SEPARATED.

Maulvi Mohamed Yakub maintained that the only way to have at least one Muslim director on the board was through legislative election. (Nonofficial applause.) But to adopt the Government amendment would mean elimination of Muslim directors.

The speaker, continuing, asked whether this House had not been already represented on the Delhi University Senate. Why then, not extend the same principle? As for business and politics, he maintained the two could not be separated 'while politics in the world is rotating round business. (Hear, hear.) The last war was fought because of business rivalries. I am surprised that a keen politician like the Finance Member should raise this objection. I hope the House will not pass a vote of self-condemnation.'

#### CONNECTIVE WISDOM OF 50 MILLIONS.

Mr. Kelkar opposed Sir Basil Blackett's amendment. He protested against the Government attempt to exclude the Legislature, which was an important part of the government, from exercising its right, authority and privilege of sending to the directorate of the bank its own representatives, especially when the executive had reserved to itself the right of nominating some directors. The Assembly represented the collective wisdom of 50 million people and as there were divisions and groups in the House, election by such a body was sure to be the best.

Sir Victor Sassoon spoke as a businessman purely from the business point of view. As one who had been trained in the old-fashioned business methods, he supported the Government amendment, because a business undertaking could be

best managed by businessmen. As a businessman if he were to cast his influence, he would try to secure the choice of persons on the ground of their business instincts and not for any other reason. If the selection was to be on other grounds, then a large number of business concerns would be run by politicians.

*Lala Lajpat Rai.*—But they have no money.

Proceeding, Sir Victor Sassoon referred to Mr. Mohamed Yakub's remark that if the Legislature was deprived of elective powers there might be no Mussalman on the directorate, and said that he was sure that in Bombay which possessed a large number of qualified businessmen a Mussalman would be elected to the board. He appreciated Pandit Malaviya's view that if the Assembly was given the power to make selections, there was every reason to suppose that they would send to the directorate persons who were sound businessmen. But this view had been greatly shaken by the arguments advanced by several other speakers, who urged different reasons.

Mr. Jayakar opposed the amendment. He had agreed with the view that petty political scheming should be eliminated, but had grown extremely suspicious of the Government insisting on express provision banning all public men in the Assembly from becoming directors. He believed all businessmen were tyrants in their own way (laughter) and the best combination was that of public men and experts. He happened to be at the head of the Road Development Committee and without betraying any secrets he could say that if this committee had consisted solely of expert engineers they would have taken them into a pit from which the public men on the committee were trying to save that committee. He remembered the criticism made against Lord Haldane's appointment to the War Office during the War, but Lord Haldane proved to be a most successful administrator because he knew what his countrymen wanted and the experts supplied him the special knowledge. 'We, public men will supply that patriotic view. Without us the directorate will be a combination of tyrants, of self-appointed men. (Applause.) He was sorry that Sir Basil Blackett had also caught the prejudice of the Heaven-born against public men.

Lala Lajpat Rai asked whether the Government of India was not a political institution and made the offer that if the Government gave up the right of nominating directors the House would do the same. He considered that there was a sinister move and the method adopted to oust Indians was a crooked one. He warned against big business which would drive them to ruin and which had brought the war. He particularly asked whether Sardar Sundar Singh Majithia, nominated to the Imperial Bank directorate, was a businessman. Was he not nominated to serve the political interests of the Government? As for the Mahomedans, why should they go on to the directorate by any one's sufferance in Bombay, when they could claim a seat by right through proportional representation?

Sir Purshotamdas Thakurdas (representing the views of the Indian Merchants' Chamber, which had a membership of 500 businessmen) declared that constituted as the Government of India today was, there must be some representation of this Legislature. (Applause.) Sir Basil Blackett had put no alternative before the House and he warned the House against the pitfall of adoption of the amendment being exploited later by the Government in making other material changes in the Bill. The whole agitation against political influence was sham as the Government themselves exercised the largest political influence. (Applause.)

Sir Walter Wilson (representing the Associated Chambers of Commerce) said that every chamber had totally opposed any idea of political influence over the directorate. Whatever the bank might be—whether it was a political institution, as Lala Lajpat Rai had tried to make out, or any other form of institution—it must be completely free from political control, political domination and political influence. It was important to see that the directors were not elected as a reward for party services. His constituency would not wish to vote him as a director of the bank so long as he was a member of the Assembly.

Mr. Srinivasa Iyengar repudiated on behalf of the Congress party the suggestion of Sir Basil Blackett that the Government were bringing a different scheme as amendments to this Bill before the Council of State simply because Mr.

Jamnadas Mehta had made the suggestion as a joke and not seriously. The Government was adopting this unreal procedure under dictation from Whitehall, to which the Assembly could not agree.

Mr. Srinivasa Iyengar vigorously protested against the perpetual sneers at lawyers and politicians and told Sir Walter Wilson that this kind of talk must cease. Mr. Iyengar contended that Europeans also had their own politics; they nominated members who always voted with the Government. The English politics was being run by lawyers. What, then, was the use of crying that politicians should be banned? On one side they were being asked to cooperate, but on the other there was an invitation to greater resentment and non-co-operation and boycott. Concluding, he said there was no State bank except on the paper.

After several members had spoken the President adjourned the house till the 8th FEBRUARY when, resuming the debate, Pandit Hirdayanath KUNZRU said if the amendment was accepted, it would give the nominees of Government undue influence in the affairs of the bank. He was not clear why the Finance Member moved for the deletion of the clause without at the same time proposing the appointment of directors in some other way. It was open to the Finance Member to suggest that the American system be followed or that the Legislature should elect a panel out of which Government should choose a certain number of persons. If the motion was carried there was a possibility, therefore, of the introduction of a shareholders' scheme when the Bill passed through the Upper House.

Mr. JOGIAH deplored the fear that by electing directors from the Legislature, politics would be dragged into business. He assured the House that this could not occur. On the other hand his complaint was that members on official benches brought political considerations on almost every matter affecting the interests of this country. The exclusion of nonofficial members would create many difficulties. It would certainly deprive the bank of the services of well-known businessmen like Sir Purshotamdas, Sir Victor Sassoon and Sir Darcy Lindsay.

Pandit Madan Mohon MALAVIYA declared that the Legislature having the indisputable title of representing the people of the country was entitled to have a voice in the nomination of directors of a bank which would wield enormous power for good or evil. He held that it was an utterly irresponsible statement to make: 'Don't take politics into business.' He did not suggest that politics should be allowed to influence the day-to-day administration of the bank. The Pandit felt that the reality of the situation was being concealed from the House. The Government's insistence on the exclusion of the legislators was due to dictation from Whitehall.

Sir Basil Blackett reminded the Pandit that he had contradicted a similar statement of Mr. Pandya on Monday.

The Pandit said he deeply sympathized with the position in which the Finance Member had been placed (laughter), but asked whether the Secretary of State and the Finance Member had not come to an agreement about the form in which the Bill was to be supported by the Government of India, and that it was not to be supported if the understanding between the Finance Member and the Secretary of State was departed from.

Sir Basil Blackett replied that undoubt edly the Bill was the result of his visit to home and an agreement with the Secretary of State.

Pandit Malaviya asked whether the memorandum drawn up by the Finance Member and Mr. Keish of India Office giving the outlines of the principles, could be departed from. This memorandum had been circulated to members by Mr. Pandya.

Sir Basil Blackett replied that it was unlikely that any large changes in the Bill would satisfy the conditions which the Government had throughout considered necessary for a sound bank.

*Pandit Malaviya.*—What I ask is whether he is free to introduce changes in the Bill?

*Sir Basil Blackett.*—If this House wants the Reserve Bank Bill, it had better be careful of what amendments they want to introduce. The present one is absolutely fatal to the Bill. (Applause).

*Pandit Malaviya.*—I am glad I have brought the Finance Member out so far, (Laughter). So the India Office is determined, that if the Assembly insists on this provision, they will have none of the Bill.

*The Finance Member.*—That is what I said last September and last June.

*Pandit Malaviya.*—And yet it was found necessary for him to go to England to gain new light and obtain new instructions. (Laughter and applause). I cannot imagine, Sir, a more humiliating position that the Secretary of State is to decide the constitution of this bank for India.

*The Finance Member.*—If the point is that something is being forced on the Government of India against their will, I assure him that it is not so. The Government of India would have nothing to do with a bank in which the directors are elected by the Assembly.

*Pandit Malaviya.*—It comes to this, then, that the Government of India before introducing the Bill took one view and would adhere to it even if a majority of this House thought otherwise. This is very unjust to this House. We are dealing with a Bill which by one transaction can bring about prosperity or ruin to the country. That the constitution of such a bank should be decided by the Finance Secretary to the India Office and by some merchants in London and by the Government of India alone is, Sir, a position which is unheard of anywhere where the people have any constitution worth the name. (Hear, hear and shame). The result is wicked so far as the people of India are concerned. The Government have not been able to suggest any alternative since the presentation of the Joint Committee's report to this House, and I appeal that this is an occasion on which the country expects every member to realize that heavy responsibility lies on him.

As the discussion was on the amendment, Sir Basil had no right of reply and his amendment was put and carried amidst official applause by 51 votes against 49.

#### A NONOFFICIAL AMENDMENT.

A minute later an amendment of Pandit Thakurdas for giving the Council of State the right of electing one director was rejected by 52 votes to 42.

#### PROVINCIAL COUNCILS' REPRESENTATION.

Sir Basil Blackett then moved the deletion of the sub-clause giving provincial councils the right to elect three directors.

Sir Victor Sasson took the opportunity of assuring the House that no one had a higher opinion of lawyers than he, but as lawyers could alone be made judges so businessmen should be had to run a business concern. The question, however, was not about lawyers or politicians being made directors but electorates.

Mr. Kelkar said that agricultural interests would not be represented through representatives of chambers of commerce, as these bodies existed only in towns. The members of the Councils were the real representatives of the mofussil population and the directors elected from them would look after the interests of the mofussil population well. If it was intended to make the bank a popular institution the deletion of the sub-clause must be abandoned.

Mr. B. Das found to his surprise that the members who represented commerce in the Assembly were very much frightened of politician but the members of the provincial Councils were representatives of the agriculturists and they were not politicians.

Mr. Ram Narain Singh said the amendment was very pernicious from the Indian point of view. It was the business foresight of the Finance Member that had brought this Bill into the house in order to help British interests in this country, and it was out of fear from probable future change in the constitution of Government that Sir Basil was so anxious to entrust the bank to a non-political body. Continuing, he said : 'We are not very much concerned whether the Bill is passed or not. We shall have powers and then we shall, also, do whatever we like with the constitution of the Reserve Bank'.

Mr. Rangaswami Iyengar said, so far as the provincial Legislatures were concerned their claim to be constituted as an electorate stood on an essentially different footing from that on which the central Legislature stood. For the representation of agriculture, trade and industry, provincial representation was

essentially necessary. For the constitution of an electorate, the bulk of the members of the provincial Councils was elected by the agriculturists and, therefore, they could protect the agriculturists' interest better.

Sir Basil Blackett admitted that the arguments against the proposal (contained in sub-clause (f)) were not so strong from the point of view of expediency. (Hear, hear.) The Government of India had in mind the interests of the agriculturists. He did not think it advisable that the affairs of the bank should go into provincial politics.

Pandit Hirdayanath Kunzru said unless adequate reasons were forthcoming for acting otherwise they should stick to the principle of a State bank.

Chaudhuri Mukhtar Singh said India was one of the countries which had been deliberately reduced to an agriculturist country. (Laughter from nonofficial European benches.) Every industry one after the other had been destroyed by the benign Government. (*Lala Lajpat Rai*.—Exactly.) The Finance Member did not tell them how he would protect the interests of the agriculturists. He did not think that three persons elected by the provincial Legislatures would at all influence the whole directorate with their political thoughts even if they belonged to a particular political party.

The amendment of Sir Basil on being put to vote was carried by 50 votes to 49 and the Assembly adjourned for lunch.

After lunch, Mr. Vidaya Sagar Pandya moved a number of amendments which were negatived or withdrawn.

#### CLAUSE 8.

The President then put to the House that clause 8 as amended be passed.

Mr. Jamnadas Mehta, on behalf of the Swarajists, opposed the passing of the clause. He said this clause alone gave vitality to the Bill and after the Government's mechanical majority which was helped by accidents on the nonofficial side, the life of the Bill had disappeared and the bank would now be drifting under foreign heels. Sir Basil Blackett had previously assured the House that he would like to see the Bill passed by a preponderating majority, but the narrow voting by which he had won his amendments showed that he had been a pugilistic and had broken his solemn promise. Mr. Graham had told them they had seen the last of the old Bill, and Mr. Graham must now be feeling how dangerous prophesying was.

Mr. Graham, interrupting, stated that his statement was conditional on their desire to introduce another Bill.

Mr. Jamnadas, resuming, said this House must make a protest against the improper imputation against the *bona fides* and the capacities of its members. His experience in the Bombay municipal corporation was that businessmen in that body were distinguished singularly by their silence. (Laughter.) The Hilton Young Commission itself was faced with the problem whether the Government of India should have any hand in constituting the directorate of the board and decided that 'in the special circumstances of India' it should have, which meant that the Government of India had got to bow down to an alien agency. Sir James Brunyate had declared openly that the bank would be subordinate in matters of high policy to the State and as the Government's policy today was to exploit India, so the bank would be an instrument for the same purpose. Moreover, the Legislature would be handicapped in exposing the scandals and mismanagement, as the Government would not let them discuss the affairs of a so-called independent bank. He further contended, that businessman possessing inner knowledge of the working of the Reserve Bank could make honest millions which the directors supplied by laymen could not do. He appealed to the House to protest against this outrage on the self-respect of the House.

Mr. Kelkar said the clause was the keystone to the structure of the Bill, and if they gave consent to it they would make themselves the laughing-stock of the world.

The President put to the House, that clause 8, as amended, be passed and a division was ordered. The votes recorded in the lobby showed a tie, 49 on either side, but before the result was handed over to the President it was brought to the

notice of the secretary that Mr. Abdul Matin Chaudhury, who was present in the lobby but had first refused to vote in the lobby, had now changed his mind and wished to vote against the clause. On the President being informed he ascertained from Mr. Chaudhury on the floor of the House if he was in the lobby and had changed his mind. Mr. Chaudhury affirmed this statement. He was allowed to record his vote which gave the Opposition a majority of one, and thus turned the tables on the Government.

Sir Basil Blackett said, the Government now had to consider whether the House wanted the Reserve Bank Bill at all. The President thereupon adjourned the House.

On the 9th FEBRUARY the proceedings were dull for the first half hour and the Swarajist benches were empty as they are keeping away from the transaction of the normal business of the session. Within an hour of the opening of the session, however the news spread in some quarters that the Government had decided to drop altogether the Reserve Bank Bill legislation in view of the fact that in the present political temper of the House it was not likely that the Assembly would give independent consideration to an important financial measure of this character.

#### INDIAN SUCCESSION ACT (AMENDMENT) BILL.

Maulvi Mohamed Yakub moved that the Bill amending the Indian Succession Act be referred to a select committee, consisting of Mr. Crerar, Mr. Jinnah, Pandit Malaviya, Mr. Srinivasa Iyengar, Mr. Jayakar, Mr. Abdul Haye, Mr. Ismail Khan and the mover. He was glad to say that even the Allahabad High Court has accepted the principle of the Bill and with the exception of the wording of the second clause of the bill was acceptable to all High Courts. This defect could be removed in the select committee. The motion was carried.

#### INDIAN MERCHANDISE MARKS ACT (AMENDMENT) BILL.

Mr. Neogy moved that the Bill amending the Indian Merchandise Marks Act be circulated for eliciting opinions thereon. This legislation seeks to stop the palming off of foreign goods as goods made in India and to empower the Governor-General in Council to specify any imported goods in respect of which the importer, the wholesaler or the retailer shall be called upon to affix trade description, giving the place of origin of goods. Mr. Neogy produced a box in which hosiery was received from Japan and showed that there was no trade description on the box. When the cover on the lid was lifted, the Japanese trade mark was revealed.

Sir George Rainy said the Government reserved their opinion on the measure till the opinions of the local Governments were received. They had no objection to its circulation. The motion was adopted.

#### REGULATION AND IMPROVEMENT OF LAW REPORTS.

Maulvi Mohamed Yakub next moved that the Bill to regulate and improve law reports be circulated for eliciting opinion. He attributed the increase in litigation to the increase in the number of law reports, because every lawyer found some ruling in support of a weak case. Further more, judges were misled by too many rulings and injustice was done to many persons.

The House agreed to the motion without demanding a division.

#### INLAND STEAM VESSELS ACT (AMENDMENT) BILL.

Mr. Neogy moved that the Bill amending the Inland Steam Vessels Act be circulated for eliciting opinions thereon. The Bill invests the Government with authority to fix maximum and minimum freights and fares that can be lawfully charged by inland steamer services on the analogy of similar authority in regard to company managed railways. It also seeks to constitute advisory committees to be attached to inland steamer concerns to keep them in touch with public opinion and the grievances of travellers. Mr. Neogy said his Bill had the unanimous support of the press of Bengal.

Sir Walter Wilson, while not opposing the motion for circulation, said it would be unjust to press this legislation without at the same time regulating passenger boats which plied in the rivers. Legislation designed to prevent healthy competition was hardly within the province of the Government.

Mr. Sarabai Haji felt that Mr. Neogy's Bill did not go far enough. British companies were trying all means to keep out Indian companies. They were induced to wind up their concerns. Tempting offers were proposed and in the last

resort a threat of a rate war to wipe them out was made. Shippers also helped British companies.

Sir George Rainy said the Bill proposed to fix minimum and maximum rates, the former to enable Indian companies to be floated and the latter to guard the public against higher fares. Mr. Neogy had not shown that there had been an increase in the fares and rates to justify his fear. As for minimum rates, the principle involved was whether such rates were possible of application to a system involving competition. The case of railways quoted by Mr. Neogy was not similar, as the railways were given monopoly and in return accepted maximum and minimum rates. There was also some difficulty caused by the competition which waterways had at the hands of the railway at certain points so that minimum rates would divert fares to the railway. The Commerce Member, however, assured the House that he was not speaking in a spirit of hostility and the Government would weigh both sides after obtaining the local Governments' and other view.

Mr. Neogy replied that the small dividends of these companies were due to the transfer of large sums deliberately to the reserve. The balance sheets of the companies had been examined for him by a friend who was an expert.

*Sir Walter Wilson.*—Is he a writer on the subject?

*Mr. Neogy.*—Yes.

*Sir Walter Wilson.*—Then take it from me he is no expert. (Laughter.)

Mr. Neogy said that for seven years the public had been agitating in East Bengal, but the shipping companies had kept an attitude of supreme indifference. The Government's attitude of non-interference had of course been most helpful to British trade. He maintained that the shipping companies were just as monopolist as the railways and must be dealt with in a similar manner. There was not today a single indigenous shipping company in his part of the country because of the rate war.

Mr. Neogy's motion for the circulation of the Bill was agreed to.

#### BILL TO PREVENT ACCUMULATION OF INTEREST.

Maulvi Mohamed Yakub moved for the circulation of his Bill to prevent accumulation of interest for long periods by laying down that no creditor shall realize as interest an amount exceeding the principal. He declared that the Usurious Loans Act of 1918 provided no remedy to check this evil of accumulation beyond a certain limit. The motion was agreed.

#### AGE OF CONSENT BILL.

Sir Hari Singh Gour's Bill to amend section 141 of the Indian Penal Code was opposed by Mr. Keane and Mr. Crerar, the latter declining his assistance to improve the law, and the Bill was withdrawn.

Sir Hari Singh Gour next moved for the consideration of his Age of Consent Bill which penalizes cohabitation with unmarried girls below the age of 16 and with married girls between the ages of 13 and 14. He said the Government Act of 1925, which raised the age of consent to 13 and 14 in the case of married and unmarried girls, respectively, did not commit him to abandon his attempt to raise the age further when public opinion was sufficiently roused. He said only the other day he had submitted a petition signed by 6,000 men and women to end this appalling race suicide. He dwelt on the evils of early marriage which was responsible for the ghastly death-rate among young mothers. The Government's opposition on the ground of administrative difficulties was only an attempt to shirk responsibility. The Government had gained sufficient experience of the working of the Act of 1925. He felt very strongly on the subject and would state in unmistakable terms that the Government had been accused of being reactionary in social matters. Motives had been ascribed that it was easy for the Government to govern a people. If the Government opposed this elementary piece of justice the Government must face the criticism that the Government was an enemy of social progress because its strength lay in the weakness of the people.

Mr. Harbilas Sarda said public opinion had sufficiently matured in support of this legislation.

Mr. Crerar paid a tribute to the courage and persistence of the mover without which no great reform was achieved. The problem had its ramifications vitally

bearing on some of the most fundamental problems of national life. Sir Alexander Muddiman's speech quoted by Dr. Gour did not mean that the consequences of the change of 1925 should not be taken into consideration by the House. He warned the House against the dangers of drastic changes in the criminal law at short intervals, occasioning uncertainty in the public mind as to the exact state of the law. The Government of India were in deep sympathy proportionate to their own weight of special responsibility in the matter. They yielded to none in their desire that progress should be achieved as rapidly as circumstances permitted on the basis of enlightened public opinion and well-considered and efficacious law. There were other methods by which this problem might be approached. A very practical and useful way to deal with the problem was to deal with the question of child marriage. (Hear, hear).

Whatever might be the precise expedients adopted to give effect to Mr. Sarada's views on the matter, the speaker entirely agreed with him that this was an aspect of the question requiring the gravest, most careful and most practical consideration. The local Governments were addressed to know the results of the amendment of 1925. Their replies were coming in and he must frankly tell the House that the local Governments thought that the amendment had not been in operation for a sufficiently long period to enable any really accurate and sound knowledge of the results. The Home Member further announced that on receipt of these reports, it was the intention of the Government of India to constitute a strong committee of officials and nonofficials to undertake a comprehensive survey of the whole question with a view to further action. An enquiry by such a committee, he confidently anticipated, would discharge the very important function of stimulating and concentrating public opinion in the more direct and positive direction of investigation and formulating the lines of further possible advance. He hoped that in view of the definite steps taken and those in contemplation, the motion for consideration would not be pressed and that the Bill would be moved for circulation. He assured Dr. Gour that the Government had no intention of taking advantage of the absence of the Swarajists and was in no way responsible for their absence on the occasion of the discussion of such an extremely important measure. (Applause).

Lala Lajpat Rai acknowledged the difficulties in the way of enacting such legislation and stated that if the Government appointed a committee to consider the whole question, the House should accept it. He formally moved for circulation of the Age of Consent Bill, which was agreed to.

#### SEVERAL BILLS INTRODUCED.

After this the following new Bills were formally introduced. Sir Hari Singh Gour's Special Marriage Bill, Mr. Kelkar's Indian Limitation Act (Amendment) Bill, Mr. Haji's Coastal Traffic Reservation Bill, Mr. (?) Deferred Rebates Bill, Mr. Abdul Matin Chaudhury's Indian Merchant Shipping Act (Amendment) Bill, Dr. Gour's Indian Divorce Act (Amendment) Bill and the Hindu Inheritance Bill, Mr. Kelkar's Bills relating to the removal of caste disabilities and restriction of interest recoverable from debtors and Mr. Joshi's Bill amending the Indian Penal Code for protecting trade unions. The Assembly then adjourned till next day.

#### The Reserve Bank Bill dropped.

On the 10th FEBRUARY the Assembly reassembled to hear Sir Basil Blackett's announcement regarding the dropping of the Reserve Bank Bill.

Sir Basil Blackett made the following statement :—

"The Government of India have carefully considered the situation created by divergent conclusions in regard to clause 8 of the Reserve Bank Bill arrived at by the Assembly last Wednesday and in particular the practical consequences of the final decision to omit the clause. The main purpose of the Bill was to establish a reserve bank and thereby transfer the control of currency and credit to an independent nonofficial body in India and at the same time to effect far-reaching reforms in the monetary and banking machinery of India. Government had reason to believe and still believe that the informed opinion in the country is generally in favour of the establishment of a reserve bank and the House has on more than one occasion affirmed the principle in proceeding with the old Bill. Government were actuated by the desire to give the Assembly a clear opportunity of deciding for itself whether



or not it wanted a reserve bank on sound lines. The Assembly has now had that opportunity. The decisions taken by it on Wednesday are none too easy to interpret and might almost be said to have been contradictory. But the decision to omit clause 8 was in any case quite clearly a wrecking amendment and renders any attempt to proceed with the Bill if not impossible at any rate unseemly. This would be true even if both the Government and the House were unanimous in desiring to proceed further. The vote in favour of the omission of clause 8 is in fact very little different in its consequences from the rejection of the principle of the Bill.

"Government feel, therefore, that they must construe the course of events on Wednesday as an indication of the absence of that measure of general support for the Bill among the representatives of public opinion within the Assembly which they think they ought to have behind them in carrying through so important a financial reform. In these circumstances while expressing their gratitude to those who have striven to secure for India the benefits of a reserve bank they see no sufficient reason for pressing the Government view further upon the House. They must take it that the House prefers to continue the existing currency system and the existing machinery and methods of control of India's currency and credit which, though frequently criticized by some of those who have been most active in opposing this measure, have given signal proof of their efficacy and value in securing stable monetary conditions for India during the period which has elapsed since the passing of the Currency Act of 1927, and in the absence of a more effective public demand for a change the Government do not now propose themselves to take any further steps with a view to the introduction of the reform which the Reserve Bank Bill was designed to bring about. The Bill is of course still before the House, but in the absence of any easy means by which we can usefully continue our consideration of the remaining clauses I would suggest to you, Sir, that the debate should be adjourned. Should this course be agreed upon I should be glad of an opportunity before you to adjourn the House for the day of making a statement in regard to the further course of Government business."

#### Party Leaders' Speeches.

As soon as Sir Basil had announced the Government decision party leaders expressed gratification, but they threw the entire responsibility for this circumstance on the shoulders of Government.

Mr. Jamnadas Mehta, on behalf of the Congress party, congratulated the Government for having realized that a wrong bill could not be proceeded with. He was glad that the Government had also realized that the country did not desire a bill like the one which the Government attempted obstinately to foist upon it.

*Sir Basil Blackett*.—I have just stated the contrary.

*Mr. Mehta*.—The tactics, which the Government adopted from the very beginning in regard to this Bill were unedifying. They agree to a State bank.

*Sir Basil*.—No.

*Mr. Jamnadas*.—It is on record that the Finance Member agreed to proceed with the discussion of the old Bill as a contribution to the spirit of harmony. But after that acceptance of the fundamental principle of State bank the Finance Member went to the Secretary of State to convert him, but returned converted and then the Finance Member proceeded in a manner which the history will pronounce to be outrageous. It is not true that the country does not want a reserve bank. The country wants a reserve bank under national control, but the Government would not give that and that is why this legislation has failed. If the Assembly had accepted the Bill in the form the Government wanted then we would have given the British Government a measure for the ruthless exploitation of India for at least 25 years more. The obstinacy of the Government has already cost the country in that there is no real gold standard and there is to be gold exchange standard with the *rd.* ratio.

Pandit Malaviya, on behalf of the Nationalist party, endorsed the remarks of Mr. Jamnadas Mehta and pointed out that what the country wanted was that the financial control now being enjoyed by the Secretary of State should not be transferred to the Government of India but to the representatives of the people. The manner in which this tyrannical Government proceeded with the Bill—from the

State bank to the shareholders' scheme—and treated the Assembly was a standing commentary on the vicious system of administration. He congratulated the Government and the country on the decision now announced not to proceed with the Bill.

Mr. Jinnah reviewed the history of the legislation and said that after consulting the Secretary of State the Finance Member published a brand new scheme which was fundamentally opposed to the principles of the scheme accepted by the Government and was before the House. Moreover, the Government announced their determination to proceed with the shareholders' scheme and it was only after the new Bill was not allowed to be introduced that they decided formally to proceed with the old, but ultimately to have the new scheme incorporated in the Bill in another place. Mr. Jinnah said : We were not going to pass the shareholders' scheme in substitution of the State bank. I am glad this House had given the only answer that was possible, namely, the omission of clause 8. If it had not been omitted by chance (laughter) it would have been finished, perhaps later. (Applause.) On this side we were determined to put an end to that farce at the earliest possible moment. I am glad we have not prolonged the agony through which we were passing.

Mr. Cocke, speaking as one who had taken part in the discussions throughout, felt that the previous speakers had not given an impartial survey of the situation. The joint committee decided in Bombay in favour of a State bank. Sir Basil Blackett's acceptance of this vote was conditional upon agreement regarding the constitution of the directorate which would be acceptable to the Government. In Simla they tried to get at the bottom of the problem and find a solution, and now the Bill had fallen on the principle of directorate. (Voices.—No, no) No State bank in the world had representation of the Legislature while this House had insisted that it would not have the bank unless it appointed to it some members of the Legislature. The adherence of Government to the principle of the exclusion of the Legislature had the support of the commercial opinion throughout the country including to some extent Indian commercial opinion. We have broken on that principle and the Bill is dead. Whether in future a Finance Member will agree to bring forward a measure on this principle I do not know, but I hope I shall not be here when that situation arises.

Lala Lajpat Rai said the lesson that the Government should take to heart was that whenever it tried to force down the country's throat any measure with the support of the official, nominated and European votes it would meet solid national opposition. (Hear, hear.) If the Government had won its divisions by one vote so had the nonofficials won by their majority. Mr. Cocke represented that commercial opinion whose interests were in conflict with the interests of India. 'What we want in the bank is control by the representatives of the people.'

Mr. Shanmukham Chetty also joined in what he called funeral orations. It was not true that the House did not want a reserve bank, but it had put an end to a huge farce that was being enacted. He emphasized that the Finance Member unequivocally agreed to a State bank provided that they came to some settlement on an acceptable basis. It was not the fault of the Opposition that the negotiations broke down, but some unseen power ordered the Finance Member to stop them and he unceremoniously made the announcement in Simla. Even then some of the Oppositionists hoped that the negotiations would continue. Their hopes were frustrated when the Finance Member published in the *Gazette* a new bill radically altering the scheme of State bank. They welcomed the announcement of the Finance Member with a sense of relief, but they also felt sorrow for having been deprived of a financial reform and felt humiliation, for a person residing 6,000 miles away had crushed financial Swaraj.

Mr. Joshi recalled that the Joint Parliamentary Committee that considered the Government of India Act in 1918 recommended the establishment of a convention that where the Government of India and the legislature agreed on a financial measure the Secretary of State should not intervene. This convention was announ-

ced in the Assembly several times. In the present case the Secretary of State broke the negotiations and therefore also disregarded the convention.

Sir Basil Blackett said the story of the bill was not altogether a happy one and the result had not been satisfactory to anyone. Everyone had been accused for the failure of the Bill. It was said that the Government of India and the Secretary of State were to be blamed. But he (the Finance Member) did not want to say who was to be blamed. The result is that an attempt to introduce important reform has failed and one of the reasons for the failure is that the Assembly wanted to take the place of the executive. One lesson of this episode is that the legislature and the executive must learn to work together.

The hon. Mr. *Patel*, President, congratulated both the Government and the Opposition—the former for the decision to drop the Bill altogether and the latter for the sigh of relief on their part, thus leaving the Chair free from further trouble in this connection. (Laughter). In view of the unanimous decision he did not propose to put further clauses of the Bill.

Mr. Jinnah said that if the Government wished to have the motion adjourned they must make a formal motion and the nonofficials would express nothing.

*The President*—The Bill is now in the hands of the Chair and unless some one moved for its adjournment *sine die* I am prepared to go on with the Bill and put each clause.

Mr. Kabiruddin Ahmad amidst laughter moved for its adjournment *sine die*.

The Motion was agreed to, though there were some dissentient voices.

The Swarajists, then, withdrew from the House.

#### INDIAN MERCHANT SHIPPING ACT.

On the motion of Sir George Rainy the Bill amending the Indian Merchant Shipping Act was referred to a select committee, consisting of Mr. Neogy, Dr. Moonje, Seth Jammadas, Sir Purshotamdas Thakurdas, Mr. Haji, Mr. Abdul Hayei Sir Walter Wilson, Mr. Anwarul Azim, Mr. Couper, Sir George Rainy, Haj. Abdullah Haroon Jaffer and Mr. B. Das.

The name of Sir Walter Wilson was added to the select committee on the Bill amending the Negotiable Instruments Act and the House adjourned.

#### SOUTH AFRICAN LIQUOR BILL.

On the 13th FEBRUARY Mr. Bajpai made a statement announcing the Union Government's decision to withdraw clause 104 of the Liquor Bill. (Applause). The decision, he was sure, would be received with great relief not merely because of the relief it afforded to Indians in South Africa but because of the fresh proof it provided of the great friendliness which now animated that Government in treatment of the Indian problem. He expressed appreciation of the Government of India of this practical proof given by the Union Government of their sympathy towards the Indian cause and the Government's tribute to the Agent to the Government of India for the rare skill and tact with which he had handled a delicate question. (Applause) He expressed the Government's gratitude to the House, as their wise restraint during the recent discussion of the question in the Assembly had proved to the Government of utmost value in the conduct of these negotiations. (Applause).

#### TARIFF BILL.

Sir George Rainy introduced his Tariff Bill which, he said, in his vernacular he would describe a hotch-potch of various tariff amendments, none of them very important. The decision of the Government on the recent report of the Tariff Board regarding belting was also included in the Bill. Questioned by Sir Walter Wilson, the Commerce Member assured the House that there would be no hurry, and Sir Walter would get time to consult his constituent chambers on the provisions of the Bill.

#### INDIAN MINES ACT (AMENDMENT) BILL.

Sir B. N. Mitra moved for the appointment of a select committee on the Indian Mines Act (Amendment) Bill which would secure regularity of hours of work in mines. The opinions so far received supported the fundamental principles of the Bill. Detailed suggestions would be considered by the select committee.

The motion was agreed to and the House adjourned till next day.

## HINDU FAMILY TRANSACTIONS BILL.

On the 14th FEBRUARY though the attendance was thin and the Congress members were absent in a body, an interesting controversy raged on the floor of the Assembly on Mr. Crerar's Hindu Family Transactions Bill, which he moved the Assembly to consider as passed by the Council of State. This Bill was the only item on the agenda and quite a large number of amendments were moved.

Mr. CRERAR moving the consideration of the Bill, said that it intended to give effect to certain recommendations of the Civil Justice Committee by providing that partitions and separations of interest among members of Hindu undivided families and other transactions among persons governed by Hindu law shall in certain cases be effected by written and registered instruments. The Bill, he said, would put an end to vexatious and speculative litigation and emphasised that the Bill was not to come into force until the date was notified by the Governor-General in Council. This reservation had twofold objects : Firstly, that due notice must be given of any change of law before it came into operation, and, secondly, that the registration of documents and stamp duty being provincial subjects, it was undesirable that final conclusion should be arrived at until the local Governments were consulted on the points which were likely to affect them as a result of this Bill. The Civil Justice Committee had recommended that the stamp duty be fixed on such basis as would not work hardship.

Pundit Thakurdas BHARGAVA characterized the Bill as a measure for imposing further taxation on Hindus. So far as the Punjab was concerned instead of eliminating oral evidence, it would cause the presenting of more evidence and the courts would have to decide very obtruse questions. He enumerated the various difficulties which would be imposed on villages, particularly those who lived at a great distance from registration courts, and how in certain cases the man registering a partition deed of Rs. 100 would have to spend Rs. 17 on court fees alone besides other professional fees, and Hindus would object to their women, particularly widows being dragged to courts. The Bill made unheard of distinctions between Hindus and non-Hindus and the opinion of the Chief Justice of the Punjab and seven out of the eight bar associations of the Punjab was against the Bill. He was surprised that a Government which kept the people so illiterate was responsible for this measure which could be entertained only if all were literate.

Sir Hari Singh GOUR joined the previous speaker's opposition and characterized the Bill an extremely reactionary and drastic measure which, he said, was a danger to Hindu society and placed upon them a considerable tax. Why should Hindu copartnership alone be singled out and other communities left untouched ? The Bill would cut at the very root of those separations which were affected by the process of time and changes in status and profession, etc. He also held that the opinions obtained on the Bill showed that Hindu opinion was unanimously against the Bill and non-Hindu opinion was also generally against the Bill and yet Government had declared that the Bill had received 'considerable measure of support'. He could not trust inpecunious local Governments regarding the rate of stamp duty and registration fee and asked the Government to agree at least to a select committee.

But on being reminded that the motion for select committee which he proposed would commit the House to the principle of the Bill, Sir Hari Singh informed the Chair that he opposed the consideration of the Bill.

Mr. K. C. NEOGY said that even in Bengal where there were lesser complications of the Hindu joint family system, this Bill would cause complications. He quoted from the evidence given by Mr. S. R. Das before the Civil Justice Committee and held that the opinion then expressed by Mr. Das were opposed to the present measure.

The hon. Mr. S. R. DAS rose to remove the misconceptions that had arisen over the Bill. He emphasized that the principle of the Bill had been approved of by all local Governments and by several public bodies. He never said that the Bill itself had been approved of by these bodies. The objection to the Bill had been summed up by the Madras Government which pointed out that the only thing to be done was that the stamp duty on these transactions should be fixed at a specially low rate. But this was a matter, said the Law Member, in which the

opinions of the local Governments should be obtained for they were affected by this in their revenues.

Mr. JAYAKAR spoke urging the Law Member to accept a select committee where so many imperfections could be remedied or else he opposed the consideration of the Bill. That there were many imperfections was clear from the fact that at the very first cursory reading of the Bill Sir Hari Singh Gour had to raise doubts and the Law Member was hard put to find explanations. Mr. Jayakar wished the recommendations of that most mischievous committee (the Civil Justice Committee) had been dealt with as a whole instead of in such a piecemeal fashion. The Bill interfered very seriously with the silent and imperceptible process of disintegration which was going on in Hindu society. Did the Government wish to come in the way of that social evolution? As a social and political reformer he would not allow that, whatever might be the Government's intentions in the name of law's delays. Moreover, when there were so many imperfections why should the Law Member object to a select committee and quote some rule. Either he should have drafted correctly in the first instance and brought it from the Council of State or not gone in the first instance to that body of elders to discuss a measure of this description. As a lawyer of 23 years' standing he never knew that mere intention of separation required compulsory registration. He could show at least a dozen other imperfections but there was no time. If the Law Member would not agree to the committee then much as he should like to help in the passage of the Bill he would oppose it.

Munshi Iswar SARAN did not agree with Mr. Jayakar that the Bill would retard social disintegration for if it did the speaker would support the Bill as he believed that the Hindu joint family system would never disappear and was based on the highest ideals of sacrifice by a brother for a brother. If they were to wait for this social revolution to complete before attaining self-government then Mr. Jayakar would have to wait till eternity. He was sorry the nonofficial benches were empty on one side. The Government must acknowledge that there was considerable conflict of opinion, and he moved the adjournment of the consideration by a week to enable the two sides to come to an understanding.

Mr. CRERAR, Home Member, opposed this motion, as the Civil Justice Committee's report had been before the country for over three years and the select committee's report on the Bill had also been before the country. If the atmosphere in the other House was calmer than it was in this House then such a measure requiring calm deliberation should best be considered first in the Upper House. (Applause). He repudiated the suggestion that the Council of State could not give it proper consideration. He felt that if Government business were to be held up because of the absence of a section of the House for which absence the Government had no responsibility then there would be no business done.

Munshi Iswar Saran explained that his adjournment plea was not based on the Swarajist absence, but solely on a desire for finding some way out of the conflicting views.

When the motion was put to the vote and pressed to a division the European nonofficials and Muslim nonofficials divided into both camps and there resulted a tie with 37 votes on either side.

The President said the Chair would not be justified in further delaying the progress of the Bill and voted against the motion for adjournment thereby enabling the Government to win.

The House, then, adjourned for lunch. But as soon as it reassembled after an hour's recess the attendance was very thin and on Mr. Vidayasagar Pandya raising the point that there was no quorum the President adjourned the House. So the House dispersed without yet voting on the motion of Mr. Crerar to take the Bill into consideration.

#### TERRITORIAL FORCE BILL

On the 15th FEBRUARY Mr. Mc Worth Young moved that the Territorial Force Bill, as passed by the Council of State, be taken into consideration.

Mr. Young after explaining the provisions of the Bill at once made it clear

that the Government would be willing to accept one or two of the amendments down on paper, and thought that the Bill should be considered without going to the Select Committee. But he said he would leave the matter to the House.

Mr. K. C. Neogy thanked Mr. Young for his conciliatory tone. He traced the history behind the measure, and said that when the Government had taken so many years to bring the matter to this stage, it was not unfair for the non-officials to ask for a Select Committee. The nonofficials wanted to understand in the less formal atmosphere of the select committee the reasons underlying some of the Government's conclusions.

Colonel Gidney explained that the Government's decision to limit the liability of the Auxiliary Force was not based on racial grounds, but by the necessity of avoiding inconveniences both in Government departments and commercial concerns, which would be the case, if their employees were to proceed for service outside their area. The Select Committee motion would only delay the progress of the Bill. No useful purpose would be served by it, and he opposed the motion.

Mr. Young did not know what the sense of the House was, but agreed to the motion of Mr. Neogy for a Select Committee; and as provisions of the two bills should be discussed together, he also accepted the next motion for a Select Committee on the Auxiliary Forces Bill. The Assembly then adjourned.

### Debate on the Simon Commission.

The scene which the Assembly presented on the 16th FEBRUARY recalls only one similar occasion—that of the ratio Bill debate. Every inch of space in the public Galleries was occupied by visitors and the House was very full. The previous record of 134 on the ratio Bill was touched and some sick members like Mr. Belvi and Mr. Harchandrai were brought in only at the time of voting.

Mr. Acharya, Mr. Jayakar and Mr. G. P. Singh having intimated that they did not propose to move the resolutions, Lala Lajpat Rai moved the following motion amidst non-official cheers :—

"This Assembly recommends to the Governor-General in Council that he be pleased to convey to his Majesty's Government the Assembly's entire lack of confidence in the Parliamentary Commission which has been appointed to review the constitution of India."

Lala LAJPAT RAI, in moving his resolution, said he did so with the most profound sense of responsibility that he had ever felt in performing a public duty.

He had no faith in the *bona fides* of those who had appointed the Simon Commission. He did not believe that they were actuated by motives of justice and fairplay or by regard for the interests of India. He had no faith in the competence of the Commission. Without meaning any reflection on Sir John Simon and his colleagues and giving them the greatest possible credit for the best of intentions, he must say they were not the men to solve the problem of India. Their ignorance of India, Indian history and Indian politics was said to be their great qualification for the task set before them. In Lalaji's judgment that was their greatest disqualification.

The Indian problem was so vast and so complicated that even if the Gods were to descend from the Heavens, they could not rightly understand it and digest it in a few months to be able to present a solution of it, which would be acceptable both to India and to England. They could do nothing in the circumstances which would be really speaking authoritative. With the best of intentions and motives, the Commissioners could only be the gramophone of the Indian bureaucracy, and eventually the gramophone of the Secretary of State for India. Lalaji said he had no faith in any Commission at all. The Indian problem was beyond the competence of the Commission. He could understand Commissions being appointed to enquire into particular facts which might be disputed or which might not be clear; but did not believe in any Commission whose chief object was to enquire into the nation's progress and settle policies. The past history of all Royal Commissions in India had been, according to the speaker a history of disappointments and disillusionments and he did not believe that the present Commission was going to be an exception. The problem of India in its relation with England, was not a problem for any Commission of Enquiry. It was a problem for negotiation and agreement.

As for evidence, the Commission could have any amount of evidence for one view or the other. The Indian bureaucracy and the Anglo-Indian mercantile community who were interested in maintaining British rule in India could manufacture any amount of evidence to show that India was not fit for self-government and that no change should be made in the system of Government prevailing in India more or less for the last 70 years.

Continuing Lala Lajpat Rai controverted Lord Birkenhead's speech. He did not deny the ultimate responsibility of Parliament in the passing of any agreed constitution. But Parliament's sanction was automatic when the Government in power accepted the Agreement. The Secretary of State had threatened that India would be in a welter of anarchy if the British withdrew. Lala Lajpat Rai said : "Let us have a trial of it, for two years. Can there be worse anarchy, than that imposed by law enforced at the point of the bayonet? (Hear, hear). I am not afraid of anarchy".

A European : What about China ?

Lala Lajpat Rai : "I shall welcome condition of anarchy, as it will enable us afterwards to settle down and form into a Government, which will be our own handiwork. (European benches : laughter).

Lalaji : You may laugh because you are the painter that paints the picture. In our place, you will not be laughing but weeping. This withdrawal of the British may break your glorious connection with India, a connection which has been most inglorious from the Indian point of view.

As for the Commission coming out as a jury did the jury in England consist of one peer ? No. This foreign commission was both the jury and the judge. The existence of the depressed Classes was not known till after the declaration of 1917 ; and in the census of 1921 it went up from 30 to 52 millions and Mr. Coatman had definitely put it up at 60 millions.

"What has the British Government done for these people for whom Government and the Anglo-Indian Mercantile community is shedding crocodile tears ? (Applause).

Sir Victor Sassoon :—They do not exist. (Laughter).

Lala Lajpat Rai :—May I know who created the Negroes in Africa whom the whites are bleeding to death ? (Opposition applause). What, I ask, has the Government done for them ?

Mr. Kabiruddin Ahmed :—What have you done ?

Lala Lajpat Rai :—I have been working among them for 25 years.

Lala Lajpat Rai said his reason for questioning the *bona fides* of the Government was based on the inner knowledge that he possessed of the currents and undercurrents during the War, when he was in the United States of America and the Allies were urging the United States to join them. The declaration of August 1917 was made by an honest statesman, but was not drafted by honest men. It was not sincere, but was purely a war measure. The Government of India had been found too wooden and inelastic as a war machine. They could not mobilise the loyal supporters of the country. Its machinery was to be changed to suit war conditions. And the announcement of 1917 was made as a clever move to prove to President Wilson and the American people that the War was being fought for the peace of the world and to advance the cause of democracy !

As soon as the War was over, they were given the Rowlatt Act and the Reforms that followed left the Assembly absolutely impotent.

Colonel Crawford :—"What about the Reserve Bank ?"

Lala Lajpat Rai :—The rejection of the Reserve Bank Bill still leaves you in the field. We rejected the official bill, but were unable to impose our will. And what about the Salt tax, the Princes' Protection Act, the Ratio Bill, the Lee Proposals and the Skeen report ? These are your credentials for proving your *bona fides* (applause). I say the Government and the Anglo-Indian mercantile community have absolutely no intention of leaving us. We are told we are not fit to lead the army, to manage our finances, to run our Railways. Are we then fit only to pay taxes, and is our trustee to swallow every penny of the trust ? (Applause). The Indian people have been emasculated by this soul-less machine

of Government, which only knows how to grind and crush, and not to construct. I make a special appeal to Muslim friends. Do not be misled by the professions of this hypocritical Government. Remember the partition of Bengal and the treaty of Sevres. Remember that the Government has emasculated the people, that 100 millions are not getting even their bread twice daily (shame, shame). And let me tell the Government that, powerless and helpless though we are, we are in earnest—in dead earnest—not to pick up the crumbs you throw for us" (Applause).

The *President* ruled that the issue before the House was whether they should or should not co-operate with the Simon Commission, and that he would call upon Sir Zulfiqar Ali Khan to move his amendment if the others withdrew.

This having been done, and Dr. Gour's and Mr. Fazal Rahimtullah's amendments being ruled out of order, Sir Zulfiqar Ali Khan was called upon to move his amendment.

#### SIR ZULFIKAR ALI KHAN'S AMENDMENT.

SIR ZULFIKAR ALI KHAN moved the following amendment to Lala Lajpat Rai's resolution :—

"The opinion of this Assembly is that the procedure put forward by the Indian Statutory Commission merits the favourable consideration of this Assembly."

Sir Zulfiqar Ali's speech was considerably interrupted by derisive cheers from the Opposition, so that the Chair had to give him five or six minutes' extension of time.

Sir Zulfiqar Ali declared that he was not swayed by any frowns or favours but spoke his innermost conviction.

A Voice :—"Yes, I know it!"

Sir Zulfiqar Ali :—"If you know it, you better go out. (Laughter). The main point of difference is as regards the composition of the Commission. We must remember that India has different communities, each community having its own ambitions and lacking mutual trust. In such a situation, how could we expect the British Government to constitute a Commission with Indian representatives on it? Whom will those Indians represent? Only their own particular politics. I say, Britain would not have been justified in putting on the Commission such persons. How can we forget that there are in India, Hindus, Mahomedans, Brahmanas, Untouchables, etc.? Are the British Government to appoint Indians from the major communities only? That would have been wrong. The minorities cannot be ignored. They are dynamic with a historic background. The trouble of the minorities is that they do not get due recognition at the hands of the majorities. We have tried them."

Cries :—"When, when?"

Sir Zulfiqar Ali :—"In Simla, in Benares; and now we are trying them in Delhi. So, I say, that the Statutory Commission which has no Indians on it has the confidence of the minorities because they feel that it is a tribunal which will do justice to their interests. The Commission was appointed; and immediately on its arrival in Delhi, Sir John Simon issued a statement asking for co-operation to discuss the question of the betterment of the Indian people. But the party leaders met in a hurry, and within half an hour gave their "No."

An Opposition Voice :—"Because, it was such a clear case."

Mr. S. Srinivasa Iyengar :—"Not half an hour, but three hours."

Sir Zulfiqar Ali :—"The hurry with which they put their signatures to the rejection of Sir John Simon's offer shows that there is bankruptcy of statesmanship in India. (derisive cheers from the opposition benches). If I had been in their position I would have said: Since the President of the Commission has extended a friendly hand and is prepared to facilitate the task of considering further reforms, we are willing to discuss matters." But there was bankruptcy of statesmanship.

Mr. Kabiruddin Ahmad :—"Yes, just as in the case of the Bengal National Bank!"

Sir Zulfiqar Ali :—"However, Sir, there are some names in the list of signatories who command my respect; for they are persons who are a force in politics. But there are others among them who do not represent popular opinion."



Moulvi Mahomed Yakub :—"They do more than you in any case." (Laughter).

Sir Zulfikar Ali :—"You were only an improvised President of the Muslim League in Calcutta." (Laughter).

Moulvi Mahomed Yakub :—"Let us face an election on this issue. Are you prepared?"

Sir Zulfikar Ali :—"My friends know that I am speaking the truth, and they try to drown my voice."

Proceeding he said that the Punjab was solidly on the side of the Commission (Ironical cheers).

Mr. T. C. Goswami :—"Please don't libel the Punjab!"

Sir Zulfikar Ali declared that his reasons for supporting the Commission were two,—(1) the inter-communal tension with riots and bloodshed and (2) the refusal of the majority community to concede the right of the minorities.

Sir Zulfikar Ali quoted extensively the resolutions passed recently by the All-India Hindu Mahasabha against separate representation on the Legislatures and against communal representation on the Services.

Mr. Jinnah :—"Did you not accept the Delhi Moslem proposals?"

Sir Zulfikar Ali :—"I did accept; but I am an elected member and when I went back to my constituency they refused to accept it."

Dewan Chamnalal :—"What is your personal view?"

Sir Zulfikar Ali :—"Personal views have no place in the present debate."

Regarding the Hindu Sabha resolution that there should be no communal representation on the services, the speaker asked if there was any Mahomedan who would abide by that condition.

Concluding, Sir Zulfikar Ali Khan said that no country remained under subjection unless there were defects in national character. (Loud Cheers).

Mr. Mahomed SHAH NAWAZ pointed out that Indians had got what they wanted, namely, equality of status, and explained at length the procedure outlined in Sir John Simon's letter to H. E. the Viceroy. The plan suggested by Sir John was a most complete representation of Indian interests at every stage of the enquiry (Government cheers). It was a great pity that Indian leaders had not accepted Sir John's statement. It was not possible to argue with them. Were they going to drive the British out? They must consider the facts as they stood. India wanted Swaraj within the British Empire, but on condition that the interests of the minority communities were adequately safeguarded. The British brought peace and prosperity to the country (cries of "No"). Mian Shah Nawaz continued: "I should like to see Lala Lajpat Rai acting as the Governor of the Punjab for four months. (Laughter). Can you manage the affairs of this country? (Cries of "yes"). It is easier to say so than to do it. You cannot. It is perfectly clear."

Continuing, the speaker said that India would not gain by non-co-operating with the Commission.

The Hon. Mr. CRERAR, Home Member, supported the amendment. He asked the House to realise that the issues of great moment were under discussion and therefore these issues must be dispassionately considered. It was natural that some apprehensions should be felt when an important announcement like the appointment of the Commission was made. But much had since occurred and several authoritative pronouncements had been made which, if properly regarded and construed, enabled the Assembly to view with greater certainty and understanding the position in which they stood. He would endeavour to avoid anything that might partake of or tend to provoke acrimony or prejudice. The only axiom on which he could proceed was that the ultimate conclusion must rest in the last resort with Parliament. That axiom must of course be considered in the light of the policy of Parliament, declared more than ten years ago and accepted by all the political parties in England, and in the further light of the recent debates which had emphasised the equally unanimous desire for securing the largest possible measure of agreement with the political opinion in India. There were some who would reject the proposition. Every aspect of the question must be regarded in the light of the actual facts of the case. They must avoid the error condemned by Lord Acton of making the splendour of words do duty for realities. It had been allege

that no Reforms enquiry was necessary, because the fulfilment of all the conditions requisite to full responsible government in India was a potent and established fact. It had been alleged that any enquiry would be sham, because a complete series of preconceived decisions had already been arrived at. Both the allegations were equally remote from the fact. The enquiry was necessary. He was fortified in that belief by the views expressed by the signatories to the Minority Report of the Reforms Enquiry Committee which contemplated, with approval, the appointment of a Royal Commission with freer terms of reference and a larger scope of enquiry than their own, and also by the terms of Pandit Motilal's resolution in the Assembly on that report.

It had been contended that the present system of Government had succeeded; and with equal emphasis it had been contended that it had failed. How were these opposing contentions to be judged, except by an assessment of the results, which must be one of the earliest preoccupations of any agency of enquiry? Lord Acton summed up in a phrase a lifetime of political reflection and historical research, when he said:—"The test of liberty is the position and the security of the minority." Was there not much matter for enquiry in India?

The position of the minority communities, joint or separate electorates, financial settlement with the provinces, the readjustment of the provincial areas and the communal differences—were these not still acute outstanding controversies to be settled by an enquiry? But some might say: We propose to enquire into these matters, and settle them ourselves. He had no quarrel with that position; but so far not much progress had been made towards that achievement. If new paths were to be explored and new expedients to be devised, an enquiry was certainly necessary. To proceed otherwise and gamble with the future, was to court disaster.

Surveying the events of the last few years, and even the last few weeks, Mr. Crerar noticed there was evidence of actions proceeding from counsels of recklessness. He denied entirely that there had ever been any reason or justification for counsels of despair. "We would be acting wisely if we collaborate in the impartial and authoritative enquiry to be conducted by entirely new methods, though fulfilling in every practical particular what had so often been required, but never so far in such a near prospect of realisation."

He referred to the proposals put forward by the Commission regarding its procedure and the scheme announced by His Majesty's Government. He considered the manifesto of some Nationalist leaders as a precipitate and unceremonious rejection of a considered and well-weighed document drawn up by one of the most eminent of British statesmen. "Was it because those who would urge this precipitate step upon the House and upon all other persons concerned, were actually conscious that it was a formidable and convincing reply to the position which they themselves have hitherto with equal precipitancy taken? Was it because they sought by this means to prevent the contents of this document from receiving a full and fair consideration from reasonable and moderate opinion throughout the country?"

He hoped the House would not permit itself into a course so ill-considered and so imprudent. He did not think that many of the communities and interests which had proposals to put forward and grievances to be redressed would neglect the most powerful instrument which was now within their grasp.

Concluding, the Home Member said that times of crisis might arise, might pass and might make an indelible mark for good or evil on the destiny of states or their own personal fortunes without creating at the moment any clear perception of what had happened and what the consequences might be.

"This is a time for prolific, if fateful, issues; but none of us here present have now or will hereafter have any excuse for failure to recognise that this is so. The issues are too clear, the facts too apparent, the omens too unambiguous. A situation so plain in its challenge, so insistent in its demands, ought to receive from us the best response we can give. In the words of the Viceroy whatever men may be tempted to think at the present moment, I dare predict that the searching inquest of history will not fail to return judgment against those who sought to use their power to hinder, when it was in their power to help." (Loud applause).

Mr. S. Srinivasa IYENGAR said that the Government wanted to strike while the iron was hot. India seemed to them divided into communal and political camps. The country's united answer had frustrated that object. The Britisher's fairplay never crossed the English Channel. Though Mr. Lloyd George promised the right of self-determination and to extend it to tropical countries, it was being denied to India. But the Indian people stood for that right. (Applause). There was no question of their fitness. The matter was one for negotiation for the establishment of Swaraj or full responsible government. The Commission, instead of advancing the cause of reforms, would cover all the loopholes left by the Montagu Act, and would produce a scheme which would make the attainment of responsible government impossible.

There was no doubt in his mind that the Skeen Committee's report and its confidential sub-committee's report were responsible for Government taking no further risk of admitting Indians into their secret evidence.

As for Government's solicitude for the minorities, he warned the Moslem, the Parsi and the Christian that this solicitude was not for their welfare, but for the welfare of the British commercial and official minority in India to whom the Government wanted to give every possible protection. (Hear, hear).

The decision of the leaders was not, Mr. Iyengar declared, taken in a fit of temper. Even Moderates and yesterday's co-operators were for boycott. Sir Tej Bahadur Sapru's stand for the boycott had fortified the Congressmen in their conviction that their course was right. Was Sir T. B. Sapru a great statesman only when he was a Member of the Government of India and became a bankrupt-statesman the moment he came to the non-official side? (Laughter and applause). Did the Home Member consider them school-boys? Lalaji's speech was marked by great sincerity and earnestness. Was it not that the Arya Samaj was mostly doing the work of uplift among the depressed classes? As for the protection of the minorities, what had the British Government done in the 150 years of their rule? On the other hand, the Congress was tackling the question earnestly, and within this year hoped to produce a settlement which would be acceptable to the entire body of Hindu and Moslem opinion. Section 84-A never contemplated a purely Parliamentary Commission. He appealed to all to vote for the resolution. Otherwise, they would be voting for the downfall and humiliation of the country.

Mr. M. R. JAYAKAR made an impressive speech at the conclusion of which he was loudly cheered. He accepted the Home Member's invitation to lay aside all passion, and to examine the position in the cold light of reason and argument. Lala Lajpat Rai with his 35 years' political service in India and Mr. S. Srinivasa Iyengar on behalf of the Congress Party, had spoken from the broad points of self-respect and patriotism. He would confine himself to a narrow issue whether the statements made before the country by Sir John Simon, the speeches made in Parliament and the responsible utterance of His Excellency the Viceroy showed that they had offered terms on which India could co-operate with this Commission. As one who had taken the odium and risk of unpopularity for having as a member of the Maharashtra Party declared readiness to co-operate with the Commission on certain terms, he said that he had been looking forward to this day when he could vindicate his position which had been assailed both by Indians and Europeans. But Sir D'arcy Lindsay had said that he never made any constructive proposals. His constructive proposals were made on the 16th November in Poona. But the Britishers did not listen and set the whole country in agitation. So, men like Sir Tej Bahadur Sapru, and Sir Chimanlal Setalvad had joined the boycott movement. The Government sat tight and dumb, and relied on the petty constitutional propriety that Sir John must himself come to this country and speak, as if in these days there were no wires and wireless. This petty Government, relying on constitutional propriety asked the country to wait, as if the honour and self-respect of the country could wait. What would have satisfied the country three months ago would not satisfy it now. (Cries of "Why? Why?" from Col. Gidney and a few others). He himself stepped in when there was a stalemate; and taking the odium in order to relieve that stalemate made a gesture of co-operation in an interview. What followed was nothing but the cold and unconvincing speech of Lord Irwin. We were then asked to wait for

the arrival of that Messiah. That Messiah came and delivered his message. It had been alleged that leaders took only 10 minutes to express their opinion. That was absolutely wrong.

Mr. Jayakar continued: "Let me tell Sir John there are very able men on our side, who with dog-sense could easily find out whether there was anything bona fide and anything real that was meant in the document. I say, it is a complete travesty of the equality which I and those who agree with me asked for. As the manifesto of the Responsivists of Maharashtra said, India desired her accredited representatives to occupy the position of judges and architects of India with co-ordinate powers to sit with the representatives of the British people. Unless this was agreed to, it would not be possible for India to co-operate and assist in the work of the Commission. But that was not done and they were told that the preamble of the Government of India Act had stated that Britain would be the judge of the time of measure of each advance. Assuming that India accepted that position, was there not in the next line of the Government of India Act that Parliament must be guided by the cooperation of the Indian people? I shall not be content with membership of the commission unless there is complete equality. If Sir John Simon will agree to six or seven Indian politicians on our side sitting across a round table and appointing an umpire who is to regulate what he should give, then I am sure that I can bring my friends to co-operate with the Commission. Sir John must be prepared to meet us on equal terms and to discuss freely not in the tone of his letter, especially the second letter, but as one genuinely anxious to come out of the difficulty which has been created by his Government. I know what I want. I don't know the elasticity of the terms of reference. I don't know the complexion of the Parliamentary Commission; and I am prepared to tell Sir John and his friends word and line by line that there is no equality now. If he is convinced that what we say is not wrong, then he must go back, and get that equality from Parliament or the King." (Loud cheers).

But that, equality was not now given, was made clear by Sir John Simon's statement. That was so in regard to the taking of evidence where the Commission would take evidence in secret and Sir John would choose to tell the Indian wing as he called it, what best it should know. They must rest content to trust him everywhere. As regards the report stage also, the British Commissioners were responsible for their report to Parliament and not the Indian wing, whose report would be printed without any delay and even published simultaneously. What a concession! It would even go to England as an annexure to the report as a record of the opinion of the Indians! But there was no attempt to show that any effort would be made to arrive at a united report. Sir Chimanlal Setalved and Sir Tej Bahadur Sapru had said that the present constitution and the present scheme as announced did not offer terms of equality.

Mr. Jayakar added: "I say that the door is left open even now. The Government must not imagine that the door will be kept open for long. What is possible to-day, will not be possible to-morrow. Recently 'The Times of India' said of me that 'Mr. Jayakar's sagacity had out run his courage.' To-day, I say that my patriotism has outrun my political sagacity. It is because the Government have not played up that in my lot with my countrymen. We reject the statement of Sir John, because it is not a *bona fide* statement. (Loud applause).

Mr. M. A. JINNAH made it clear that the differences with Government on this point were fundamental. There were several political schools of thought in this country—revolutionaries, Congressmen, Constitutionalists and petitioners. Lieutenant Mahomed Nawaz had made an honest and frank speech when he said: "Whatever you do is right. Let me have something, as I am your man. Without you, I can do nothing." (Voices: 'No, no!')

Mr. Mahomed Nawaz: I never said that.

Mr. Jinnah: "You said: 'We cannot drive the British out; so make the best use of what we can get.' There are those who want to reap a wonderful harvest for the Moslem community." I say to that: 'You have been fooled, and you want to be fooled again; but I refuse to be fooled.'

A voice: "By whom?"

Mr. Jinnah: "By anybody." (Laughter). If Government is content to satisfy this school of thought, I say: "Then carry on as long as you can."

Mr. Jinnah's party had, in its Bombay manifesto, clearly stated its constructive demand. Probably Sir D'Arcy Lindsay being a merchant did not understand the difference between procedure and principle; but their manifesto had demanded for Indian representatives equal status and equal powers (hear, hear) to take part in the making of recommendations. He did not deny to Parliament the ultimate right of legislation. And this equal power and equal status could be given by an authority other than that which appointed the Simon Commission.

Mr. Jinnah continued: "Can a man even possessing the meanest intelligence declare that equality of status and powers have been granted to Indians? (Applause). What we are told is that even in the enquiry stage we are not to get equal status, and that we are merely to give evidence. The same is the case about the Parliamentary Committee. In the words of Lord Birkenhead, the Indian Legislature's Committee can only develop criticism and objection. (Laughter). How will it be in a better position than the Committee of the Anglo-Indian Association, and for the matter of that of the Committee of the Moslem League? Where is the great boon conferred on the Committee? It is a camouflage on the face of it."

Mr. Jinnah had no quarrel with Sir John Simon, who had shown the utmost courtesy by making their subordinate and subsidiary position as pleasant as he could possibly do, except for the secret evidence. The Indian wing in the provinces would be provincial committees, and the Central Committee could ask questions only when permitted by Sir John. And so far as the substance of Sir John's letter was concerned, it was an open secret, and it contained nothing material that had not been stated by Lord Olivier and Mr. Ramsay MacDonald during their speeches. So its contents sprung no surprise upon them. Even then they spent four hours in considering it.

Mr. Crerar had quoted the Minority Report of the Muddiman Committee but not fully: for the minority recommended a Royal Commission or any other suitable agency with freer terms of reference. But that was in December 1924, and to-day they were in February 1928.

Mr. Neogy: Miss Mayo had yet to come.

Mr. Jinnah: "You are making a great mistake by trying to represent that all the parties are determined on the boycott for some sinister motive. I warn you that if you persist in that you will lose the whole of India."

Mr. Crerar: "I imputed no motives."

Mr. Jinnah: "Do you want only one section to co-operate with you? Do you wish any decent party or any decent and self-respecting man to co-operate with you; or, do you want only those who come before you as petitioners? If you want petitioners, I wish you luck. But be frank and be honest. Do not tell us that we have got equal status and equal powers, and do not mislead the rest."

Mr. M. C. RAJA, representative of the Depressed Class, recalled the references of the speakers before him that the Government had done nothing for the Depressed Classes, and said that the Government would have done everything had not the higher classes stood in their way. He referred to the speech of Pundit Madan Malaviya in the old Imperial Legislative Council regarding the amelioration of the depressed classes, when the Pundit has said that Government should rightly abstain from interfering with social and socio-religious affairs.

Proceeding, Mr. Raja said that the present Reforms gave them some power. They had no voice in the Government before 1919. Then the Congressmen wanted to do away with the nomination system in the Madras Legislative Council. That distinctly showed that they stood in the way of nomination of representatives of the Depressed Classes (Cries of "No, No" from the Swarajist benches).

A voice: Ycu could come by election.

Continuing, Mr. Raja said that they welcomed the Commission as there was a possibility of its proving a boon to the Depressed Classes. They would also urge the Commission to remove untouchability. The Congress and other similar bodies merely passed pious resolutions, and did nothing beyond that,

## DEATH OF MR. VISHINDAS

At this stage Sir Basil Blackett intervening broke the sad news that Mr. Harchandrai Vishindas had breathed his last. He suggested that to show their respect to the departed member they should not continue to-day's sitting. To-morrow being a Moslem holiday, he was prepared to give Saturday for the purpose.

The President announced the adjournment of the House as a mark of respect to the memory of the deceased till Saturday next the 18th FEBRUARY, when

Mr. M. C. RAJA referred to Mr. Rangaswami Iyengar's question as to why the Depressed Classes should not come by election, and replied that the election of the Depressed Class representatives was as difficult as the river Jumna joining the Kaveri. If the Congress Party was so much interested in the welfare of the Depressed Classes, why did they not put up any candidate among them?

Mr. A. Rangaswami Iyengar : Did you ask for it?

Mr. Raja : Why should I ask for it?

Mr. Jannadas Mehta : Become a Congressman and you will be put up as a candidate.

Proceeding, Mr. Raja welcomed the fact that there was no mixture of Indian element in the composition of the Commission. He was convinced that the scheme of enquiry announced by Sir John Simon gave far greater opportunities of discussion than a mere round table conference. Excepting a microscopic fraction of the country, the rest of India believed that political progress could come only through diffusion of education and by the extension of the benefits of British rule. Let India co-operate with the Commission, which was no respecter of persons, and which would judge the motives of Indians as they would see them.

Mr. T. C. GOSWAMI, who was applauded by the Congress benches, said that Mr. K. C. Roy, whose words were listened to with great respect by the House, had told them that Sir John Simon and his colleagues were honest men. He had no quarrel with that proposition. But the point at issue was not Sir John's brilliance or the mediocrity of his colleagues, but the implication which he must emphatically repudiate, that a man because he was clever had any right to come from another country, to dictate terms to this country.

European Benches : He does not.

Mr. Goswami : We have the scene of these seven Commissioners in search of a mission standing before their shop and telling : "Come in one and all, we are ready to receive you (Laughter). Contrary to their notions of racial intercourse under official guidance, they have to distribute their smiles in Western Hotel. A large number of m.ishroom parties have sprung up and there is even a party in Madras called the "Self-Respect Party." (Laughter).

Mr. Goswami next referred to the latest speech of Lord Birkenhead, which had done the Government cause greater harm than any speeches from the nonofficial benches. The Secretary of State had painted a picture of numerous deputations waiting on the Simon Commission. Sir John had told them of 300 telegrams of welcome. Sir John might plaster them on the bare walls of his room. "We know how these telegrams are arranged. We have done that ourselves. (Laughter). It is a game at which both can play." If Sir John Simon wanted to know how the Constitution had worked, the proceedings of the Legislative Assembly could show that. He could, for instance, learn how Lord Reading spoke of the detenus' case having been examined by two High Court Judges which turned out to be false ; and how Lord Lytton certified that a sum of Rs. 30,000 was necessary for carpets for the Government House to enable him to discharge his duties.

Mr. Kabiruddin Ahmad : Why don't you place these grievances before the Simon Commission ? (Laughter).

Mr. Goswami : We on this side have always stood for a Round Table Conference. That offer is still open to the British Government. We younger men are anxious to establish national self-determination ; and the Government ought to judge us not merely by the speeches made here (Laughter, Hear, hear), but by the silence of the masses, which is very much more dangerous than our speeches. (Congressmen : Hear, hear). We admit that the freedom of India presents

questions which are complex; but the freedom of India will also mean complete reorganisation in the whole world. We are striving for that freedom.

Europeans :—Boycott won't do.

Mr. Goswami : We will follow it up by such measures as the situation will demand. I am hopeful that we will carry the day. There is among us great power of resistance of temptations; and so, the large patronage of the Government has proved unavailing. I make a present to the Government of the exofficio loyalist votes; but we will carry the day.

Pandit MOTILAL was cheered as he rose to take part in the debate. He said that two important contributions had been made to the debate, one by Mr. K. C. Roy in this House, and the other by Lord Birkenhead across the seas. Mr. Roy had asked him to give a lead. That he had done long ago when he advised the country to have nothing to do with the Statutory Commission. (Applause). Pandit Motilal joined with Mr. Roy in paying a tribute to the greatness of Sir John Simon, and associated himself with all that had been said about the eminent lawyer both in England and in India. He knew Sir John was out to do some big thing; but the fact remained that the biggest thing that an Imperialist Englishman could do, would not meet even the smallest possible demand of the Indians. "Sir John Simon is a big man but I for one will not advise my countrymen to surrender their right to even the biggest man in the world. That right is the right of self-determination. The promises made during the War were treated with scorn; but India will not forego her right. In a short while, we will be able to stand on our legs; and I am confident we shall be in a position to exercise that right fully and freely."

As regards Lord Birkenhead's speech, it was the completest justification for the attitude adopted in the country. (Hear, hear). Political leaders who had spent their life in the service of the country were to count for nothing, and the Simon Commission was to receive an inspiration from those whose self-interest or fear compelled them to stand by the Bureaucracy. His Lordship had talked not merely of the "millions" of Muslims and depressed classes, but of the "millions" of Anglo-Indians. He hoped that the capacity of Anglo-Indians to multiply would increase, to come some-where near His Lordship's description. (Laughter).

Lord Birkenhead had put Indians on the same level as lunatics, and wanted to reduce them to the position of inarticulate exhibits. What Lord Birkenhead stood for was that his will was supreme, and must be imposed at all risks. Pandit Motilal continued: "It is easy to reply in the same strain; but I shall resist the temptation and will only remark that heads that are swollen contain little wisdom, and that a man who rides high, rides for a fall."

The Pandit next turned to the resolution before the House. It was a resolution of the Nationalist Party. Congressmen suggested some changes, and the omission of the word "present" on which Mr. Jayakar had laid so much emphasis. But their suggestion did not meet with the support of the Nationalists. But all three parties stood for boycott, and the reasons for it did not matter (laughter). In fact, every party had its own reason for boycott (renewed laughter on European benches). So long as Britain held them by force, she was the arbiter of their destiny. The talk of giving any measure of freedom to a subject nation of their own accord was hypocrisy. It was in 1924 that his resolution for a round table conference was adopted by an overwhelming majority. A year later, another resolution which pitched their demands lower and certainly did not ask for full responsible government, was passed by the Assembly. The Government was asked to accept the offer. But it did not, and since then a lot of time had passed. To-day all the Non-Congress parties had joined them in the demand for full responsible government. But this goal took into note the period of transition before India could have Dominion status like that enjoyed by South Africa and Ireland. But the matter must be settled at a conference between the plenipotentiaries of the two countries. Pandit Motilal quoted and fully endorsed the remarks made by Sir Tej Bahadur Sapru who till recently was a great pillar of strength to the Government. Sir T. B. Sapru had in his book stated that the reasons advanced in 1924 against Reforms would hold good even in 1929. The real question was one of policy, and on that British and Indian opinion had differed and would continue to differ in future,

The Pandit added : "It is absolutely futile to endeavour to reconcile Indian opinion when English and our interests clash. We do not use the same words in the same sense. I say the time is nearing when all parties will range themselves with the Congress in demanding complete independence."

Continuing, Pandit Nehru said that as for the constitution of the Simon Commission, he would merely recall that Lord Birkenhead, who had told them at one time that the Commission would consist of the best brains of the Empire, had in the end read into the Act a meaning which was not there, that the Commission must be purely parliamentary.

The President at this stage reminded Pandit Nehru that he had been shown sufficient indulgence, and must bring his remarks to a close.

Concluding, Pandit Motilal said he only wished to refer lastly to the telegram from Mr. Ramsay Mac Donald to Mr. Hartshorn. The Pandit made it clear that Indian opinion never expected that the Labour Government would do anything for India in this matter. "We stand on our own legs. Governments which have not paid attention to the lessons of History have invariably come to grief ; and I have no doubt that what has not been accomplished by the statesmanship of England will be accomplished by the people, adding another to the number of fallen empires."

Sir Bhupendranath MITRA pleaded guilty to lack of political flair, particularly as he was not sure what correct flair in political matters was or should be, under the present conditions in India. His doubts on this point had been intensified after he had listened to the speech of Mr. Jinnah and some others. The speaker was essentially a servant of the Crown, and in that capacity he had served his King and country for over thirty years. It was his loyalty to his country that made him exert himself to secure for his country the maximum advantage in every direction. He yielded to none in solicitude for the welfare of his country, and its well-regulated progress towards self-government.

Owing to the momentous importance of the present debate he could not refrain from appealing to the members not to take a course which might ultimately jeopardise India's real interests. In the present political conditions of India, he must concede to the British Parliament the final voice in laying down the procedure for the examination of the working and development of self-government in India and in determining the extent of progress in that direction. To his mind there could not be a greater calamity than the fact that Indians were still incapable of making any serious effort to settle their internal differences, communal and otherwise. For this failing, History showed that the Government could not be blamed. Upon getting rid of that failing and upon the gradual approximation to the ideal of a harmonious India, depended political progress and the attainment of self-determination. He had little doubt that the reason for precipitate action by certain leaders was that that action was conceived in a spirit of passion, engendered by a feeling of affront to pride and self-respect, and of consequent distrust of the British Government. That aspect of the situation had been made abundantly clear by Lala Lajpat Rai, Mr. Jayakar and Mr. Jinnah. He besought the members of the Opposite benches not to allow themselves to be swayed wholly by passion and sentiment.

Referring to the attitude taken by the Oppositionists on the Joint Free Conference, the speaker said the question deserved serious consideration, whether the method of collaboration on honourable and equal terms which the scheme provided—even though it was subject to certain limitations laid down by Parliament—could not with sufficient good-will on both sides be worked to India's material advantage. Sir John Simon and his colleagues had already promised their sincerity and good-will in the matter, and the speaker saw no reason to question their good faith. He doubted whether it was in the interests of India that some of her leaders should adopt an attitude of complete *nonpassumus*. If the resolution were adopted, the effect would inevitably be that India would lose the services of some of her most eminent sons for the evolution of her political development. He trusted that the members on the opposite side would not force the country into an unfortunate position. He appealed to the House not to pursue the negative resolution but to try to establish contact with Sir John Simon as soon as possible, and to secure for India the best advantage out of what might be considered a bad business.



Concluding, Sir B. N. Mitra assured the House that his appeal was not the outcome of a slave mentality, but was based on the strong optimism of one, who during the best part of a quarter of a century had succeeded in turning circumstances, more adverse than his friends were now confronted with, to some advantage to his country.

Sir Purushottamdas THAKURDAS, in supporting the resolution, made a long speech, at the conclusion of which, he declared, amidst applause, that India expected every man to do his duty at this juncture. He said he was fully conscious of India's weakness and her handicaps. He was equally conscious of the benefits of British Rule ; but at the same time he considered it his duty to his country and the King-Emperor and the British Parliament to say in unequivocal terms that the Commission, as at present constituted, was not acceptable to India. He looks upon the Commission as a deliberate attempt on the part of the people in power in London to humiliate India, not only in the eyes of the world, but also in the eyes of Indians themselves. It had been said by official apologists that there was no special significance attached to the exclusion of Indians from the Commission. If that was the case, then why did they stick to that position, and why should they not yield to Indian sentiment? The Government of India Act did not preclude the appointment of Indians on the Commission.

Sir Walter Wilson :—Would you have Mr. Saklatwala ?

Sir. Purushottamdas said it was not possible to expect the cooperation of the Indian people unless and until Indians were given equal rights and status. That there was no equality, had been exposed by Mr. Jayakar and Mr. Jinnah. If anything further was wanting to prove it, there was abundant evidence in the letter of Sir John Simon, when he said that the Indian Parliamentary delegation would not be the only body which would appear before the British Parliamentary Joint Committee, but that it would be one along with other representative bodies. There was an unmistakable mark of inferiority in the whole transaction. Yet, surprise had been expressed by some that the leaders had expressed their opinion on Sir John Simon's letter so soon after its publication. There was nothing new in that document ; Major Graham Pole had further testified to it when in a statement to the press, he said that the terms were settled in London in November 1927.

Sir Wilson : Overlook that statement.

Sir Purshottamdas : Not unless you are prepared to say that Major Graham Pole is telling a lie.

Mr. C. S. Ranga Aiyar intervening informed that the statement had also appeared over the signature of Mr. Ramsay Macdonald in "The New York Herald" and widely reprinted in India.

Proceeding, Sir Purushottamdas referred to Sir John Simon's advice to the Indian legislators to trust him regarding the *in camera* evidence. etc., and replied : Supposing something unforeseen happened concerning the health of Sir John ? What would happen to that trust then ? If Sir John really meant to give the Indian legislature equality, then let him say so in another communication.

The speaker paid a personal tribute to Colonel Wedgwood for the bold stand he took up in the House of Commons, as well as in the historic letter which he wrote to Lala Lajpat Rai. He feared that Lord Birkenhead had struck a big nail in the coffin of the aspirations of India. "Man proposes, but God disposes. We shall wait and watch. India expects every man to do his duty, in spite of fears and threats and all indications of pressure ; and I say India will come out triumphant. (Applause).

Sir. Hari Singh GOUR, while rising from the Nationalist Party block, was loudly cheered by the Congress, Nationalist and Independent Party benches. He analysed the debate thus. The Congress Party repudiated the right of Parliament to determine India's advance. The Nationalist and Independent Parties recognised the right of Parliament, but demanded equality in the enquiry. Thirdly, Sir Zulfiqar Ali Khan's amendment, which was supported by the Government, asked for unconditional and unqualified co-operation with the Commission. The Nationalists were not for absolute non-co-operation. They were not for unconditional co-operation either.

The President : "Will the Hon'ble member say on whose behalf he speaks ?

Sir Hari Singh Gour : I speak on behalf of myself (loud and prolonged laughter). I am a Responsivist, and I stand for conditional co-operation. Mr. Baldwin has stated on the floor of the House of Commons, that Indians should dismiss from their minds that there was any thought of inferiority in the scheme, Indians being asked to approach as friends. I am an old man. I am a man of peace. I want to obtain the liberation of my country, if possible by co-operation. I shall be guilty of a gross dereliction of duty if I spurn this chance of advancing my country's progress. (Official benches : Hear, hear).

"The resolution says that India should not co-operate unless there is equality. that equality has been granted to us, by the British Premier in Parliament. If Sir John Simon's letter does not rise equal to the occasion, our complaint is not against Sir John Simon but against the British Premier. When the Government comes to move the resolution for the appointment of a committee of this House, then it would be time for us to give expression to our feelings and attitude and not now. Those who want the Commission, and at the same time equality, cannot vote for boycott of the Commission, and then claim equality. They must vote for the Commission. Therefore, I ask my friends here to reconsider their attitude. Nothing will be gained by wholesale boycott of the Commission, because that cannot be made the pivot of attack. The Commission and the Committee of the Legislature are two different things ; and because we have not got equality for the Committee, why should we vote against the Commission itself ? If you are for conditional co-operation, you cannot vote for the main proposition ( Mr. Jinnah : "Manu is going wrong" ), and then ask equality for the Committee. I hope that good sense and common-sense will prevail at the voting time.

Sir Basil BLACKETT appealed to the House to regard the decision that was to be taken as of very great importance to the future of the Indian constitution, and in particular to the future of this Assembly. Ten years ago, the Legislature came into existence, and to-day the British Parliament was asking the Indian Parliament to co-operate with it in taking a leading part in deciding India's future constitution. But Lala Lajpat Rai had asked them to reject the hand of Great Britain, and follow the old barren policy of non-co-operation. ( Lala Lajpat Rai : It is the mailed first ).

Mr. Srinivasa Iyengar had said that Parliament's declaration of 1917 was insincere. But this Assembly, with the first Indian elected President and with its enormous powers, was evidence of the falsehood of his suggestion. Mian Sha Nawab, an officer, who was holding the King's Commission had spoken courageously and modestly.

A voice : What does his presence signify ?

Sir Basil : It signifies that the voice of large number of people which was hitherto unheard is beginning to be heard (cheers).

Proceeding, Sir Basil said that Sir John Simon and his colleagues were engaged in a double problem—the problem of the introduction of self-governing institutions with large powers, and the problem of the relations between the East and the West. He was an optimist, and he was thinking of a free and self-governing India as a partner in the British Empire. Sir B. N. Mitra, who had been working hard to improve the machinery of the Government was a better Swarajist than the whole lot of Congressmen who were engaged in pulling down the existing structure in the ambitious programme of erecting another. "I claim I have been a far better Swarajist than my friends opposite. If you doubt you can compare my record with your own. England is telling India that she is going to aid her in developing self-governing institutions.

Mr. Rangaswami Iyengar : We are going to have it, not as a gift.

Sir Basil : I agree self-government cannot be given. (hear, hear.) It must be taken with the help of Britain."

Continuing, Sir Basil quoted from the speeches of Mr. Jinnah and Sir P. Thakurdas in 1924 on the Finance Bill, when both of them refused to walk into Pandit Motilal's parlour of Non-co-operation.

Sir Purshothamdas : My attitude now is quite consistent with the speeches I then made.

Sir Basil also quoted the speech of Colonel Wedgwood made in 1922 severely condemning Non-co-operation as tomfoolery.

Mr. Jinnah interjected : Colonel Wedgwood has changed now. You have changed him.

Sir Basil : I cannot see how my friends opposite reconcile their own attitude against non-co-operation with the intention to vote for this purely negative resolution. I am afraid Mr. Jinnah has not only walked into the Pandit's parlour, but has been assimilated (Hear, hear) by the Congress party. The spider may be hungry ; but why should the fly be in such a hurry. (Loud and continued cheers.) If the Assembly would now refuse the hand of the British Parliament then it would refuse to treat itself as a Parliament. (Cries of "no.") It is not the Statutory Commission that is going to suffer. (Cries of "No threats please.") Mr. Jayakar has shown both political courage and political sagacity by his speech. He has complained of the tyranny of his people. I hope my friends opposite will forgive me, when I say that the tyranny which prevents liberty of thought and liberty of conscience is absolutely incompatible with the development of democratic institutions in India. (Hear, hear.) There is no likelihood of the composition of the Commission being changed ; but the procedure outlined by Sir John Simon in his letter merits the favourable consideration of the Assembly. I suggest to Mr. Jayakar that he should now join his political sagacity and political courage with his patriotism and continue to keep the door open by voting for the amendment. (Loud cheers.)

Colonel GIDNEY declared that the leaders who had so contemptuously rejected the offer of Sir John Simon had not the country behind them. Whom did Mr. Srinivasa Iyengar's Congress represent, except the people he had collected from Madras ? Whom did Mr. Jinnah represent ? Not the Moslems of the main Moslem provinces of India. (Cheers.) Who represented the Depressed Classes among the Opposition ? "I say you represent hardly 2 millions people. In fact, you represent yourself as leaders, some of you without followers. (Cheers and counter-cheers.) The fact that you have acted in this manner has discredited you. There is no getting away from the fact that you are under the British Parliament. (A voice : British bayonets.) Call it British bayonets if you like. So long as you are under that constitution, it is your bounden duty as members of this House to co-operate with the Commission.

Mr. SUHRAWARDY tried to controvert the arguments of the Opposition. He asked the authors of the Delhi proposals, why they sprung upon the country, three years in advance, their scheme, if they held that the Commission had been prematurely appointed. While he did not agree with Lord Birkenhead that a purely Parliamentary Commission was justified historically and constitutionally, it was certainly dictated by the practical necessity of the case. If Lord Sinha had been appointed, the Extremists would have vomited fire ; and if Comrade Saklatwala had been chosen, the Moderates would have had a cold shudder. (Laughter.) Pandit Motilal being the father of the resolution for complete independence, fondly believed that the country was for that goal. But Mr. Gandhi had described the Congress as a school-boy debating society, when it passed the independence resolution. (Hear, hear.) The failure of Non-co-operation was writ large on the Swarajist benches ; and not only was the speaker returned by two constituencies in Bengal, but no Bengal Moslem on the Congress ticket succeeded. Mr. Bannerjee, Swarajist, had taunted his colleagues in the Bengal Council for absenting themselves, by saying that they were presumably satisfied with the constitution of the Commission. (Laughter.) The Moslem Bengal thus stood against boycott in spite of the show put up by the All India Moslem League session in Calcutta, where Pundits harangued. (Laughter.) Lt. Mahomed Nawaz returned by the general electorate was against boycott, and Mr. Jinnah was in love with the general electorates !

As the speaker was continuing, the President asked him to bring his interesting remarks to a close.

Mr. S. C. Mitter : These may be taken as read.

The speaker asked Lala Lajpat Rai not to shed crocodile tears for Moslem interests. He told Mr. Goswami that if the Royal Commissioners were mediocre, so were most of the Men in the world. He would have mediocre men to deal with his case. (Applause.) The unholy alliance among the Opposition ranks was bound

soon to melt away, and the Opposition's formula would soon turn out to be the proverbial "Delhi-ka-laddoo. (Applause)

Pandit Madan Mohan MALAVIYA rose amidst cheers from the Congress, Independent and Nationalist parties. He said the proposal before the House was the result of the attitude taken by the British Government. He quoted from the articles which he wrote immediately after the appointment of the Commission, and pointed out the conditions on which he would be prepared to co-operate with the Commission. He contended that those conditions of equality had not been given due consideration. The decision on the Indian constitution should be entrusted to Indians only and that was why he joined hands with the Congress Party.

Pandit Malaviya described Lord Birkenhead as a big bully who would drive Indians further from their English fellow subjects. In contrast, the speaker quoted from the speech of Lord Morley, stating that the influence of the educated Indians was far more than their numbers suggested. The despatch of 1833, the proclamation of 1858, the speech of Sir John Wood in 1861 and the War speeches of British statesmen, and membership of the League of Nations had over and over again recognised the equal status of Indians. It was in disregard of historical practice that Indians had been excluded.

The resolution was not a negative one, but was a positive proposition, namely, that unless the King-Emperor appointed an equal number of Indians as commissioners, they refused to co-operate. (Applause.) It was idle to expect Sir John Simon to grant what he had not the power to do. The speaker asked the Government categorically whether it was not true that the first suggestion of a Parliamentary Commission was made by the Government of India, that the legal opinion expressed by the Government of India's advisers stated that Indians should not be shut out, that the names of 5 or 6 Hindus were actually recommended for the Commission, and that the Law Member was not in favour of exclusion of Indians (hear, hear) and that Sir M. Habibullah warned the Government of the results of the exclusion of Indians (hear hear) and warned the Government of the results of a boycott. There was a clique working against India, which helped the preparation and circulation of a wretched book. "The Times" and "The Englishman" and "The Pioneer" and the European Association had months ago known that the Commission would be purely Parliamentary. Thus, the Europeans were taken into confidence, and not Indians. And the atmosphere created against India was such that Indians were represented as a low people and not fit to be equals.

The Pandit next related the charges made against him by Mr. Raja by quoting from some speech of his in the old Imperial Council, and showed that not only had he urged the Government to give them full facilities for education, but had even urged the grant of additional facilities, and that it was Sir Reginald Craddock, the then Home Member, who merely replied that the resolution of Mr. Maneckji Dadabhoy would be referred to the local Government. (Shame, shame.)

The Pandit read out a telegram just received from the President of the Dravida Sabha repudiating Mr. Raja's claim to representation and supporting the boycott.

Mr. Raja tried to get up but met with cries of "Order, order."

Mr. Cosgrave asked whether Mr. Raja was not entitled to be heard.

The President said that according to the Standing Orders, a personal explanation unless the Speaker allowed, could be given only after the speech was over.

Mr. Cosgrave said the rules limited the speech to fifteen minutes, but the Pandit had spoken for 50 minutes. (Voices : Order, order.)

The President said that the Pandit was one of the leaders of the parties in the House, which the Hon'ble Member was not.

Concluding, Pandit Madan Mohan Malaviya appealed to all Indians that the national honour was at stake, if they voted in favour of co-operation with the Commission. ("No, No" and also applause.)

Mr. Raja, rising on a personal explanation, said the telegram was a bogus one, and was sent by a person who was a creature of Mr. Srinivas Iyengar. (Laughter.)

Mr. CHATTERJEE said that the Indian Christians did not like the exclusion of Indians and stood for self-determination. They were not amongst the petitioners either. He believed in God's will as a remedy for the ills of mankind, and asked them to accept the hand extended to them by the Commission.

Lala LAJPAT RAJ replying to the debate, said that he stood by the All-Parties' Conference decision that the Commission as at present constituted, was unacceptable to India. He asserted that the Pronouncement of 20th August 1927 was settled in 1916 because of America's pressure and quoted from the Parliamentary debates the speech of Lord Chelmsford in support. It must be remembered that the scheme of dyarchy was settled in March 1926, and the announcement was made in August 1917, and the United States entered the War in April 1917, three months before the announcement.

Lala Lajpat Rai proceeding said that Col. Wedgwood's position had been misrepresented, for whatever might be said of his views on non-co-operation in 1922, he certainly preached non-co-operation in Parliament on the 25th November 1927. Promises had been given by Britain, which were not carried out. There was nothing to be said against the Commissioners because they could not give equality, but against the documents which appointed them. Lord Birkenhead had said that the Commission would go on with the work. Of course, it would when millions of Moslems, Depressed Classes and Anglo-Indians would come and give evidence! Lalaji could not understand Sir Hari Sing Gour, who had shifted his ground. Lala Lajpat Rai told Mr. Shah Nawaz and Sir Zulfikar Ali Khan that the Hindus had no intention of thrusting joint electorates on Moslems, unless the Hindus carried the bulk of Moslem Nationalists with them. At the same time, he told them that it would be safer to trust the Hindus than Englishmen. To the taunt of Sir D'Arcy Lindsay, that India had not yet produced a constitution, Lalaji said that it was not possible to produce one so long as a third party in India put up "created interests", Constitutions were not made in a day, but a constitution was being drafted, and God willing, would be completed very shortly. (Loud cheers). If the Government wanted to ascertain the depth of Indian opinion on this question, they must not allow any official to vote on the resolution. Any vote against the resolution, was a vote against freedom and for permanent bondage.

Mr. CRERAR winding up said that the Commission was appointed under the King's order; and once it was appointed, that body was the master of its own procedure. He therefore repelled any criticism that the Government of India was responsible for the procedure. He also repudiated the allegations that Sir John Simon's statement was prepared in London. The powers of the Commission were very great indeed. The House would be well advised to reflect on the enormous ground to be covered, and the great dangers and inconvenience that would result from delay in the appointment of the Committee of the legislature.

While admitting the great services Lala Lajpat Rai had been rendering to the Depressed Classes, Mr. Crerar said that the Depressed Classes were urging for protection from Brahmanical taboos and caste prohibitions. The Home Member suggested that Lalaji should discuss the question with other leaders to the ultimate benefit of the Depressed Classes. Mr. Jayakar would have done better if he had maintained his original position, and better still if he had continued his advance (applause). He advised Mr. Jinnah to carry his realism further, and obtain the best possible results for his clients. It was a mistake to suppose that the present enquiry concerned only the three political parties, the Government and the Commission. The most important part of the affair was the country and whole population of India; and it was in their interests that the debate should conclude.

#### MOTION PASSED

As the debate concluded, the President stated that he would ask the House to vote on the main resolution of Lala Lajpat Rai. If it was defeated he would put the rival proposal to the House.

As the House was divided, the President saw some members pressing Mr. Kabiruddin Ahmed to vote.

The President offered protection to the member, and asked him publicly to state which side he wished to vote.

Mr. Kabiruddin declared that he would remain neutral.

The result of the voting was that 68 were for the resolution and 62 against. The announcement was greeted with shouts of "Bande Mataram."

## RAILWAY BUDGET FOR 1928-29

Though he described it as his maiden effort at budget-making, Sir George Rainy's first Railway Budget which he presented to the Assembly on the 20th FEBRUARY not only showed a record year for traffic in 1927-28 and a large reduction in the cost both of carrying the traffic and of repairing rolling stock ; but announced substantial reductions in rates and fares with the object of stimulating traffic.

The financial results of 1926-27 belied last year's apprehension that seven lakhs might have to be drawn from the Railway Reserve, as the actual surplus was higher than the estimate by Rs. 150 lakhs.

Dealing with the revised estimates for 1927-28, Sir George Rainy said the check caused by the disastrous floods in Gujarat and Orissa was temporary, and all anxiety disappeared by the end of October.

Regarding the financial results of the year, passenger earnings compared with those of the previous year would be better by 150 lakhs, and goods earnings by 3 crores. Goods traffic extended with the exception of cotton to all commodities ; and no doubt ability to handle the traffic quickly had contributed largely to this success. Sir George drew attention to the growth of 40 per cent in the export trade in coal during the first seven months of the year. The railways expected to carry nearly 700 million ton miles and over 1,000 million passenger miles more than in 1926-27 ; but in spite of increased traffic, the working expenses would be 63 lakhs less than the estimate, chiefly because of the drop of 11 annas per ton in the cost of coal and various measures taken to secure economy.

Particularly remarkable was the reduction under Repairs and Maintenance, of 70 lakhs in spite of the addition of between 600 and 700 miles to the lines to be maintained. That proved that the anticipations of Mr. R. K. Shunmukham Chetti, who moved a cut of 50 lakhs were more correct than the Railway Board's. But the result was due to the fact that the Railway Board agreed with the Assembly as to the necessity of economising in the workshop expenditure. Modernisation of workshops, which was still proceeding, had enabled more fuller use of the rolling stock ; so that the need for buying new stock was proportionately diminished. Interest charges took about 150 lakhs owing to heavy capital expenditure on development and a sum of about 50 lakhs more than in the year 1926-27 was provided for depreciation. The final result of 1927-28 was thus expected to be a gain of over 12 3/4 crores from commercial lines, which was nearly 375 lakhs more than in 1926-27. Of this, strategic lines' loss would consume 1 2/3 crores ; 636 lakhs would go to general revenues and 474 lakhs to the Railway Reserve.

Sir George Rainy said that in view of the financial position he proposed large reductions in third-class passenger fares, in rates and in the rates on certain commodities on the State-managed lines.

Sir George Rainy expected a gain from commercial lines, in 1928-29, of 10 crores and 64 lakhs, of which 1 2/3 crores would meet the loss on strategic lines. About 550 lakhs would go to the General Revenues and 350 lakhs the Reserve. The operation of the Depreciation Fund would show an increase of 3 crores.

The Capital expenditure during the current year would be 3 crores, and the provision for 1928-29 was 28 crores, including 4 crores for purchase of Burma Railway Company's interest from the 1st January 1929. 635 miles of new lines would be opened during the current year, and 800 miles next year—the programme being to construct pioneer lines in Burma and Assam, branch lines in Southern India, cross-connections in the Punjab and feeder lines in Sind. Thus, the Railways were fully alive to their responsibility of extending and improving the communication of India.

Sir George Rainy wished Sir Charles Innes had presented the Budget to-day, as the results achieved were due to his policy and to the work of Sir Clement Hindley. The speaker had come with an open mind, and was convinced that valuable results were attributable to the separation of Railway Finance. If the House was anxious to continue the present policy, a stable rupee was the very first requisite ; and for securing this, the Railways owed a debt of gratitude to the Hon'ble Sir Basil Blackett, and acknowledged the assistance invariably received from Sir Basil's

broadminded and courageous outlook on Railway Financial Problems, particularly in regard to separation of Railway Finance. The Commerce Member acknowledged the practical co-operation received from the House and the most loyal co-operation and assistance received from Sir Austen Hadow, Mr. Parsons and other members of the Railway Board.

#### REDUCTION IN RATES AND FARES.

Announcing the reduction in rates and fares Sir George Rainy said :—

In the first place, we propose to make a substantial reduction in the third class fares on the E. I., N. W. and G. I. P. railways. Up to 50 miles, no change will be made ; but from 51 miles and upwards the reduction will be  $\frac{1}{2}$  pie per mile on the E. I. and N. W. railways. This means a reduction of 13 per cent for a journey of 300 miles, 16 per cent for a journey of 500 miles, and 20 per cent for a journey of 900 miles. The corresponding percentages on the G. I. P. Railway are 12, 13 and 15.

In addition, we propose to abolish on the E. I. and G. I. P. Railways the distinction by which Intermediate and Third Class mail fares are higher than by ordinary trains. If there were no growth of traffic the reductions in third class fares would cost 122 lakhs in a complete year.

It may perhaps interest the House to know how the new rates for third class passengers compare with those in force before the War. On the G. I. P. Railway, the increase is still substantial varying from 60 per cent at 50 miles to 30 per cent at 600 miles. On the E. I. Railway, the comparison is more favourable to the new rates. The increase is 40 per cent at 50 miles, 23 per cent at 300 miles, 14 per cent at 600 miles, and 10 per cent at 900 miles.

When the increase in salaries and wages and the prices of almost all commodities which as occurred since 1913 is taken into account, the increase in third class fares on this railway is distinctly less than might have been expected. But the comparisons on the N. W. Railway are better still at 50 miles. It is true, the increase is 55 per cent, but at 300 miles it drops to 18 per cent and for all distances over 466 miles the new fares are actually lower than the per-war fares, the difference at 900 miles being as much as 16 per cent. I ought to add that we propose to discuss with company-managed railways, the desirability of similar reductions on their systems in order to stimulate the growth of third class traffic.

Second in importance comes a substantial reduction in the rates for parcels and luggage. The figures of past years clearly suggest that the present rates are operating to restrict traffic, and in another respect the scale is unsatisfactory, because it proceeds by ten seers at a time, so that a parcel weighing 11 seers is charged the same as one weighing 20 seers. Instructions will be issued for the introduction of a revised scale with 5 seers instead of 10 seers divisions, and for a reduction of the rates by 15 per cent. The cost in a full year if there were no increase in traffic would be Rs. 74 lakhs, but we have every reason to expect a substantial increase. In the case of goods rates, we propose from reductions which should be of substantial benefit to the poorer classes and to the agriculturist. At present on the State-managed railways kerosene is carried at a uniform rate which works out at 42 pies per maund per 100 miles. We propose to substitute a telescopic scale which fixes lower rates for all distances in excess of 300 miles and drops to 10 per 100 miles for distances in excess of 700 miles. This reduction means a decrease in freight of 16 per cent for a haulage of 500 miles, 35 per cent for 750 miles and 42 per cent for 900 miles. The total cost is Rs. 28 lakhs a year with the present volume of traffic.

In the second place, we propose to reduce the rates on manure and oil-cake which vary at present on the State-managed railways to the absolute minimum of a tenth of a pie per mile. This means a reduction varying from 42 to 54 per cent for distances of 500 to 900 miles. In a full year the cost is Rs. 15 lakhs, but more manure carried means larger crops, and larger crops will result in more traffic for the railways ; so that the indirect gain to the railways from the concession may in the long run be considerable.

The third important reduction is in the rate for jaggery. In this case also we propose to substitute a telescopic uniform rate at a cost of about Rs. 10 lakhs in a

full year, for distances in excess of 500 miles. This means a reduction, rising from 43 per cent to 55 per cent at 900 miles. Here also, we look for a substantial increase in traffic.

Finally, we propose to make a small adjustment in the rates for grain pulses and seeds. At present the rates on the E. I. Railway up to 97 miles and on the N. W. Railway up to 232 miles are higher than on the G. I. P. Railway. We propose to remove this distinction at a cost of Rs. 12 lakhs a year.

In order to complete my account of the reductions in rates there are four others to be mentioned. Two of them cost very little, but will I hope be appreciated. Petrol at present pays a uniform rate which works out at 83 pies per 100 miles. We propose to substitute a telescopic scale which will affect all distances in excess of 300 miles and means a reduction of 19 per cent for 500 miles, 30 per cent for 750 miles and 34 per cent for 400 miles. The cost is only Rs. 2 lakhs in a full year.

The second concession is a reduction in the charges for horses, live-stock and motor cars, which will cost about Rs. 3 lakhs a year.

The other two reductions may be described as the removal of anomalous conditions on the E. I. Railway. It is more than two years since Oudh and Rohilkhand Railway was absorbed, but the telescopic scales still stop short at the old junctions; and terminals are charged as if the two railways were separate. The abolition of this system will cost Rs. 33 lakhs in a full year. In the second place, the E. I. Railway charges a goods terminal of 6 pies a maund for through booking, on which they render terminal services at one end only though the terminal charge at either end for local booking is only 3 pies. The through terminal will now be reduced to the same figure.

Some of the reductions in rates and fares to which I have referred will be brought into force at once; but due notice must be given of the remainder. We do not expect that all of them can take full effect till June at the earliest. That fact will of course reduce the loss of revenue in 1928-29. We are giving up in a full year Rs. 122 lakhs in passenger traffic earnings, Rs. 77 lakhs in other coaching traffic and about Rs. 106 lakhs in goods earnings—that is Rs. 305 lakhs in all. We anticipate however that the very substantial reductions made will have an immediate effect in stimulating the growth of traffic and, that the actual loss will be much less. We have deliberately elected indeed to make substantial reduction in the case of particular commodities, in the belief that the growth of traffic would thereby be insured, rather than to spread the reductions over a wider area, and incur the risk that no one reduction would be large enough to stimulate bookings on the whole. We expect that loss in revenue will not exceed Rs. 2 crores in 1928-29 when the dates at which the reductions are likely to become effective and the probable increase in traffic are taken into account."

#### INDIANISATION QUESTION.

Referring to Indianisation, Sir George Rainy said: "32 per cent permanent gazetted appointments created in 1925-26, and of the vacancies which occurred during that year in such appointments on the State-managed Railways were filled by Indians. In 1926-27 the percentage practically doubled. It was over 62 per cent this year. It seems probable that 42 Indians will be appointed to the superior railway services including the 13 candidates who, as announced last week were successful in the examinations for the Indian Railway Service of Engineers and for the Transportation and Commercial Department of the State-managed railways. We are only expecting 18 European recruits this year for the State-managed railways. So Indians are likely to obtain 70 per cent of the appointments. We are rapidly reaching the percentage recommended as our aim by the Lee Commission.

So far, I have only been referring to permanent appointments. But we have also succeeded recently in obtaining a much larger proportion of suitable Indian recruits for the temporary engineers' posts on the State-managed Railways, which our large construction programme requires. When in 1925 we began to recruit temporary engineers in large numbers, we first of all advertised in this country for them, but the immediate response was not as good as we could have wished. We only succeeded in obtaining 28 sufficiently well-qualified men, of whom 7 were



Europeans. In order not to hang up the programme of development we had therefore to obtain recruits from England through the High Commissioner ; and we got from him in all 43 temporary officers, on three-year agreements, of whom 9 were Indians and the rest Europeans. Subsequently, in January 1927, we advertised again for recruits in India and obtained a much more satisfactory response. We have consequently stopped the recruitment of temporary engineers in England altogether since January 1927. We have obtained 20 temporary engineers in India, of whom 11 are Indians ; and we have now got arrangements for maintaining a register of approved candidates for employment to whom appointments are offered as they fall vacant. I am conscious that this reference to Indianisation breaks the sequence of my speech. But I thought, the House would be glad to have these figures before the general discussion on the budget takes place."

#### SEPARATION OF RAILWAY ACCOUNTS

As regards separation of Railway Budget, Sir George Rainy said : "During the last budget debate, it was suggested by some members that the time for review had arrived. Sir Charles Innes then said, that if there was a general feeling in the House to that effect, he would be quite prepared to agree to it. It is therefore a matter which had been under my consideration since I took charge of the Railway Department last April ; but I felt that it would be difficult if not impossible to arrive at satisfactory decisions as to the changes if any in the system which might be thought desirable until we were in a position simultaneously to decide what changes in railway accounting practice were necessary as a result of the enquiry made by Sir Arthur Dickinson. His report was received last Autumn and the Railway Board and the Auditor-General are now engaged in studying its recommendations. We hope that those of them which have a direct bearing on the separation of Railway Finance will be ripe for decision in the Railway Standing Finance Committee in the course of next summer. When that has been done, a natural opportunity will occur for considering again the terms of separation agreed to in 1924. The discussions which will take place during the next few days will serve to elucidate the general feeling in the House. And if there appears to be a general desire to review the terms of the convention, we shall push on with the examination of Sir Arthur Dickinson's report, and will do our utmost to have the opinions of the Standing Finance Committee ready for the consideration of this House when it meets again in the Autumn session. If we are successful then I would move during the course of that session for the appointment of a committee to examine the working of the Convention and report what alterations if any were desirable.

I have made it plain that the Government of India attach great value to the convention, and consider that it has worked most successfully. But I hope that by what I have just said I have made it equally plain that they do not regard it as a thing so sacrosanct that it should be withheld from scrutiny or that they have any desire to deny this House an opportunity of satisfying itself on the whole subject. I trust that the procedure I have suggested will commend itself to the House.

The budget which I have presented to-day must, I think, give the Assembly reasonable cause for satisfaction : and it may fairly be claimed by the Government as affording evidence of the success of the policy vigorously pursued during the last five or six years. During that period the railways of India, whether regard be had to their actual working or their financial results, have improved more rapidly than in any previous period of their history. Six years ago, owing to the wagon shortage and suspension during the War of the provision of new traffic facilities, the railways were unable to deal with the goods traffic offering without prolonged delays, which were a source of annoyance to the mercantile community and inflicted serious injury to trade. For two years past our wagon supply has been ample and we have been in a position to deal expeditiously, with all the traffic offering even at the busiest season of the year. Six years ago the natural position of the railways was thoroughly unsound, and very heavy increases in railway rates became necessary in order to restore solvency. To-day the railways are not only entirely solvent, but after making a substantial contribution for relief of taxation and setting aside larger sums to the reserve fund as a provision against the bad years that may come, we are able to make a substantial reduction in rates and fares without any apprehension that

these may involve us in commitments too heavy for us to bear. Results like these cannot be achieved by any Railway Administration unless its policy is conceived on sound lines and unless those in charge of its administration possess the practical wisdom to devise the schemes necessary to secure economy and efficiency and the energy, which enables them to carry these schemes to fruition."

There was general applause when Sir George Rainy concluded his budget speech, after nearly one hour.

#### INCOME-TAX BILL.

Sir Basil then moved that the Bill amending the Indian Income-tax Act, as emerged from the Select Committee, be taken into consideration.

Sir Basil Blackett, in moving for the consideration of the Bill, said that the Government did not propose to press for amendments in the new Bill. They were no doubt not in agreement with the Select Committee regarding clause seven. In this clause, the Select Committee had deleted that portion which related to exports from India, on the ground that there were difficulties created by the conflict of judicial rulings.

The Bill was then taken into consideration clause by clause.

#### SIR VICTOR SASSOON'S AMENDMENT.

Sir Victor Sassoon moved an amendment for the deletion of the latter portion of clause 7. The Select Committee by a majority had decided to retain the proviso inserted by the Government to maintain the principle that the sphere of taxation of the Central Government should not be encroached upon by the local governments or by the local authorities—a principle which the Committee supported. Double taxation should be avoided, and an illustration would be where the local authority imposed a road cess, and based its assessment on the particular form of profits earned by that firm. It was admitted that if another method of assessment were employed, the firm would be entitled to deduct the cess in arriving at its profits. But under the proviso as now proposed a firm would not be allowed to make this deduction, but would have to pay income tax on the amount it had paid as road cess.

The Local Governments had a right to charge for services rendered (road cess), and such charges were a valid deduction from the gross profits in ascertaining the amount assessable for income-tax. He further argued that if the clause was passed, it was not unlikely that the local bodies would continue to charge for services rendered as before, as their position remained unchanged. The Central Government would be receiving an income from an unfortunate assessee to which they were not in equity entitled. The amount in question was about Rs. 1½ lakhs; but Sir Basil should waive the right for the windfall, and not sacrifice the principle of equity. By passing the clause, the Assembly would be laying down a new principle that the innocent might justifiably be punished, for the misdeeds of the guilty.

The arguments of Sir Victor were endorsed by Sir Purushothamdas Thakurdas (another signatory to the minority report) who emphasised that income-tax should be on the net income of a company.

Sir Basil Blackett said that the verdict of the Select Committee was for the clause being retained. The clause had worked well for forty years. He admitted that there was a clear conflict of principles, but they attached very great importance to the principle that the Central Government should be the one and the only authority entitled to the profits; and that if in any particular case, it appeared that another taxing authority was by some means or other taxing a company, then it should be after and not before the Government of India had taxed. The assessee would be in the same position as they were upto 2 years ago, for forty years. Sir Walter Willson supported the amendment for deletion.

Mr. K. Roy opposed the amendment and it was defeated by 35 against 38 amidst mild cries of shame.

Mr. K. V. Rāngaswami Iyengar was the only Swarajist present, and he voted for deletion.

Discussion then took place on clause 4 on the amendment of Mr. Mukhtar Singh that the admission of one member in the absence of objections by the other

members of a Hindu family should be regarded as sufficient proof of such partition. He said that it was objectionable that an income-tax officer, who was vested with full powers, should be both assessor and judge.

The amendment was lost.

Sir Victor Sassoon next moved an amendment in respect of clause 7 for the introduction of a new sub-clause, the effect of which would be that where a merchant buys and sells in this country, his agent would be assessed for Indian incometax ; but where he merely buys in India, giving the Indian merchant his profit, he will not be liable for any profits he makes outside by selling in his own country. The Government proposal in the bill was too wide, and they (the Government) might some day claim that if an Indian merchant shipped cotton to Hamburg, they would be entitled to income-tax not only on the profit the cotton merchant made, but also on that of the mill which consumed it, and on the profit of the shop which sold the shirt which was made from it.

Sir Basil Blackett replied to Sir Victor Sassoon's arguments, which he said were calculated to mislead the Assembly. The clause now in question was introduced in 1918 at the instance of businessmen in Bombay, who complained of competition from Japanese merchants who had established branches in Bombay, and who did not pay income-tax while Indian business houses were taxed. The amendment of Sir Victor Sassoon would very much narrow the present clause.

#### AMENDMENTS LOST.

Mr. C. G. Cocke supported the amendment which was put and lost.

Another amendment on almost similar lines moved by Sir Victor Sassoon was also lost.

Thereupon, Sir W. Willson moved for rejection of clause 7, as it stood in the bill. He relied on the observations of the Taxation Enquiry Committee, that it was wrong to tax an agent in India on the profits which he might be unable to ascertain.

Sir Basil Blackett replied and Sir Walter Willson's motion was defeated.

The Bill as it emerged from the Select Committee was passed without any alteration, Sir Basil rebutting the charge of Sir Victor that income-tax officers were "Blackmailers."

Sir Basil then moved for a Select Committee for the other 'Income-tax' Amendment Bill, one of whose principal objects is to make illegal certain practices now adopted legally by persons desirous of evading payment of income-tax.

Sir Basil Blackett affirmed that there was nothing Draconian in this bill, which was to a large extent modelled on the English Law.

Sir Walter Willson said the Associated Chamber was anxious to help the Government in seeing that there was no avoidance of payment of the tax ; but he held that the Bill was another link in the circle of income-tax law. He made running comments on the provision of the Bill and reserved his detailed criticism to the Select Committee to which he had been selected. But he emphasised that the Bill must provide that restrictions were intended to apply only to attempts at evasion which could be proved.

The Select Committee will consist of Sir Basil Blackett, Sir Purushottamdas Thakurdas, Mr. Cooke, Haji Abdulla Haroon, Sir Victor Sassoon, Mr. M. S. Aney, Mr. K. C. Neogy, Mr. Mukhtar Singh, Mr. Ghaznavi, Mr. Mahomed Shahnawaz, Mr. Anwarul Azim, Mr. K. C. Roy, Mr. V. K. A. Iyengar, Mr. R. K. Shanmukham Chetti, Mr. Vidyasagar Pandya. Mr. Nirmal Chandra Chandar, Mr. Kikabhaj Premchand and Sir Walter Willson. The House then adjourned.

#### THE INDIAN NAVY DISCIPLINE BILL.

On the 21st FEBRUARY, the House discussed the Indian Navy Discipline Bill. The speeches delivered on it were charged with bitterness and suspicion of the Government. This Bill was consequential on the Navy Discipline Act passed in Parliament but in the garb of conferring on India the benefits of the beginnings of naval Swaraj. The fruits of the study which Mr. Chetty had made of the genesis and progress of the parent measure in Parliament were available to the

Assembly when in an uncommonly good speech he drew pointed attention to the dangers with which it was fraught. 'I would not touch it with a pair of tongs', concluded Mr. Chetty after exposing how it was a part of the deep game of British imperialists to strengthen their own navy at the expense of poor India. The speech carried conviction with every non-official elected Indian member in the House, so much so, that there was none to come to the rescue of Mr. Macworth Young who all the time looked despondent. The arguments of Mr. Chetty were so unassailable that the Army Secretary could not but admit their force and plead only for the sympathy of the House.

But still there was a sting in the tail of Mr. Macworth Young's speech. It was that if the Bill was not passed there would be no Indian navy at all and India would continue to be defended by the British Navy, and consequently Swaraj would be postponed. But the Assembly's temper was definitely against a bill which sought to create a navy mainly for the benefit of Britain but whose cost would be borne by the Indian Legislature which would have no control over the expenditure.

This resentment grew stronger with every nonofficial speech, and Munshi Iswar Saran in the course of an effective contribution, confessed to a feeling of despair at the Government's attitude in regard to the army and navy. The members had in mind how the Skeen Committee's report has been jettisoned and only one Indian is to be taken annually for naval training as a sop to make India pay for Britain's imperialistic aggrandisements. So unanimous was the opinion among nonofficials that the representative of the Anglo Indian community thought it necessary to advise the Army secretary to abandon his attempt and come back with a better measure as demanded by Mr. Jinnah and Sir Purshotamdas Thakurdas.

Later on the Army secretary's threat that the Bill would be dropped was hailed with delight by non-officials and the bill itself was rejected by a majority of one vote. The House then adjourned.

#### GOVT. SOLICITUDE FOR DEPRESSED CLASSES

On the 23rd FEBRUARY Mr. Jayakar moved a resolution recommending that instructions be issued to all local Governments to provide special facilities for the education of the untouchables and other depressed classes and also for opening all public services to them, specially the police.

So the debate turned out to be an acid test of the professions and practice of the Government. And this was provided more by Lala Lajpat Rai's amendment than by the original resolution of Mr. Jayakar, for Lalaji not only wanted the Government to lay aside a crore for these classes, whose special trustees Lord Birkenhead was pretending to be, but also wanted it to open all public wells, streets, roads and institutions to these classes.

Mr. Bajpai made a vain attempt to present the Government case in a rosy light and could hardly show more than that there were seven lakhs of scholars of these classes. He, however, made a very important statement which should shatter Lord Birkenhead's theories, namely, that the untouchables are only 28 millions and not 60 millions.

Mr. Bajpai tried to cross swords with older hands, but found himself in deep sea on account of his being a young member. However, the House took a charitable view of his lapses. He could not answer the non-official case which was that efforts should be made to raise these classes to the level of others. Mr. Bajpai, however, made the confession that whatever progress was made in this direction was made during the Reforms period and said that the United Provinces and Bengal had the best record.

Mr. Arthur Moore seemed sympathetic, but did not realize that the solution lay in mass education and improvement in the economic condition of these classes and not as he said, in carrying propaganda among the 'oppressors'.

Pandit Malaviya's intervention at the end made out a terrible indictment of the Government, tracing as he did the opposition of the Government from 1815 onwards to all non-official measures for the spread of mass education.

Mr. Bajpai's expression of 'sympathy' carried the House nowhere, but as the Swarajists were not attending, the nonofficials were only 25 against the Government bloc of 47. So Lala Lajpat Rai's proposal was rejected. Though the Government

had opposed Mr. Jayakar's resolution, it considered it wise to remain silent and let it be carried. The House then adjourned.

#### RAILWAY BOARD GRANT.

On the 24th FEBRUARY the voting on demands for railway grants commenced in a thin House. Sir George Rainy moved the demand for a grant of Rs. 11 lakhs in respect of the Railway Board.

Mr. Jamnadas Mehta, in moving a censure reduction of the amount to Re. 1, observed that the Railway Board was a pocket edition of the Simon Commission. (Laughter.) It carried on its programme without regard to the opinion of the House. He complained of the non-appointment of an Indian on the Board in spite of the promises given and the opportunities having arisen.

Mr. Jamnadas Mehta, continuing, asked if a European member of the Indian Civil Service could, after mismanaging finances, become Governor of a province and if another European member of the same service could handle archaeology one day and industries another day and so on, was it difficult thing for an Indian to be appointed a member of the Railway Board? Surely then in the opinion of the Government an Indian to be appointed a member of the Railway Board was yet to be born. (Laughter.)

The censure motion of Mr. Jamnadas Mehta was defeated by 40 votes against 52.

Next Mr. Kunzru raised a debate regarding racial distinction in the subordinate services. The debate was not concluded when the House adjourned till the next day the 25th FEBRUARY when Mr. Kunzru's cut motion was negatived.

Mr. Kunzru next moved a cut of Rs. 10,000, to protest against the lack of educational facilities for the children of Indian employees of the railways for whom hardly one-third was spent of what was spent on the education of European and Anglo-Indian boys. The Oak Grove School at Mussoorie received Rs. 1,90,000 from the E. I. Railway but admitted no Indian boy.

Mr. Kunzru on an assurance from Sir George Rainy withdrew his motion.

Mr. Kunzru then raised the question of local traffic service which was soon disposed of.

#### STORES PURCHASE POLICY.

Mr. Kunzru next moved a cut to discuss the stores purchase policy of the Railway Board. He quoted from Sir Arthur Dickenson's report which, without giving the Indian Stores department a chance to explain its position, had condemned purchase of stores by it as defective. But even Sir Arthur Dickenson had suggested a central organization under the Railway Board for the purchase of railway stores. Mr. Kunzru suggested that a better method would be to establish a special branch of the Indian Stores department where those experienced in railway stores could function. The Raven Committee had shown how railway workshops were mismanaged and if an enquiry were to be held into the purchase of stores disclosures would compel the Government to alter the present procedure.

The motion was lost.

#### CONCESSIONS FOR SEVASAMITI SCOUTS

Pandit Hirdaynath Kunzru then raised unsuccessfully the question of railway fare concessions to Seva Samiti boy scouts as Mr. Parsons said these concessions were given on consideration only of an increase in traffic.

#### INDIANIZATION

Mr. B. Das next complained that the company-managed railways had not fulfilled their obligation to recruit 75 percent Indians.

Sir George Rainy said the Government was ever watchful and the members could, if it were not doing so, direct attention to the matter. There was no ground for the extraordinary suspicion of Mr. Das. Remarkable progress had been made in two years and the company-managed lines would fulfil their part of the obligation regarding Indianization.

Several other token cuts were rejected, the movers drawing the attention of the Government among other things to the non-recognition of the Moradabad Railway Union and the absence of proper relief to the railway employees.

## RAILWAY BOARD DEMANDS.

On the 27th FEBRUARY Maulvi Mahomed Yakub proposed a cut of Rs. 100 in the Railway Board grant in order to draw attention to the necessity of opening a branch of the clearing house at Lucknow. It was a most suitable centre in every respect and by opening a branch there a longstanding grievance of the employees of the Oudh and Rohilkhand Railway would be removed.

The motion was put to vote and defeated, 25 voting for and 55 against.

## GRIEVANCES OF RAILWAYMEN

Col. Gidney next drew attention to the existence of grievances among railwaymen and urged the appointment of a committee of enquiry or the institution of a complaints department in either the Railway Board or at the headquarters of various railways. He enumerated a series of grievances which, in spite of his persistently drawing the attention of the Railway Board, continued to exist. In the first instance, the service agreement was used as a lever to satisfy the desire of officials. Employees who had put in long service were dismissed without adequate reasons and, once they were dismissed, it was almost impossible for them to prove their innocence. In this connection, he objected to railway officers being given autocratic powers for dismissing their subordinates. Secondly, employees were very often harshly dealt with in the matter of their provident fund and gratuities. Thirdly, men were made to perform inhuman duties like putting in up to 16 hours per day. Fourthly, the existence of the system of confidential communications marred the future of many persons. Their work was always judged in the light of confidential reports received against them from centres wherefrom they had been transferred.

The motion was withdrawn. Col. Gidney then drew attention to the unsatisfactory leave rules. The motion was lost.

## UNFAIR FREIGHT POLICY.

Discussion then centred round a cut moved by Chaudhri Mukhtar Singh criticizing the general railway policy of fixing freight rates on different articles in such a way that Indian industries and agriculture were adversely affected, while English firms in India and foreign industries were helped.

The mover instanced the case of sugar produced in outside countries which was allowed to be carried on the same freight as Indian sugar and jaggery. Sulphate of ammonia was a manure manufactured outside India and sulphuric acid was manufactured in India and commonly used by agriculturists. But Government had decreased the rates on the former and increased the rate on the latter.

Chaudhri Mukhtar Singh then referred to the rates on bone manure, which helped the exporters to the detriment of Indian agriculturists. Lastly, he mentioned the fact that while the Government had for the convenience of England-going persons arranged for the Punjab Limited (special train), they were yet to think of arranging for a special train for the carriage of fresh fruits from one part of India to another.

Eventually the cut was defeated by 39 votes against 42. The House adjourned.

## SUPPLY OF RAILWAY REPORTS.

On the 28th FEBRUARY Mr. Joshi complained that the reports of railway departments and of their committees were not made available to members of the Assembly and to the general public. The motion was eventually withdrawn.

## FINE ON RAILWAY STAFF.

Mr. Joshi next criticised the control, management, and use of the fine funds.

The motion was withdrawn and the demand under the head Railway Board was then passed without any cut.

On the motion of Sir George Rainy the House agreed without opposition to the next demand of Rs. 1,67,000 in respect of inspection.

## SEPARATION OF AUDIT AND ACCOUNTS.

When under the third head Audit Sir George Rainy made the demand, Mr. Neogy referred to the recommendations of the Dickenson Committee and the system of separation of audit from accounts now under experiment on the E. I. Railway. He gave expression to the fear that this system might be extended to other railways without the Assembly having had opportunities for discussing the results of the experiment along with the results of the convention of the separation of

railway finance from the general finance. He wanted an assurance that nothing would be done in a hurry and behind the back of the Assembly.

Mr. Parsons promised to bring the results of the experiment on the E. I. Railway before the Standing Finance Committee. He further indicated that the recommendations of the Dickenson report would come up before the Standing Finance Committee separately and not *en masse*. The demand was sanctioned.

#### WORKING EXPENSES.

The next head was Working Expenses (Administration).

Mr. Sesha Iyengar urged that an operating ratio should be fixed and there fore moved for a cut of Rs. 3,00,00,000 out of Rs. 12,00,00,000 and odd.

The cut was lost and the motion was carried.

#### THIRD CLASS PASSENGERS.

Mr. Joshi next complained against the inadequate facilities afforded to third class passengers. He said the earnings from this class were ten times more than those of the first and second class, still the accommodation and facilities provided for the latter classes were many times better. In the waiting rooms there was not even a bench for 3rd class passengers to sit on.

The motion was lost. The demand was sanctioned.

Mr. Joshi next protested against the inadequate reduction proposed to be made in third class fares. He was sure that if this benefit was given to the whole of third class passengers Government would benefit by the resultant increase in traffic which it was sure to bring about.

The motion was put to vote and defeated, 34 voting for and 41 against.

#### COAL FREIGHT.

Mr. Neogy then brought to the attention of the Government the necessity of reducing coal freight particularly of the coke used for domestic purposes.

Sir George Rainy said that the matter would not be overlooked when the time for the reduction of freights came.

At five o'clock the guillotine was applied and all the remaining eleven demands under various heads were carried. The House then adjourned.

#### Budget For 1928-29.

On the 29th FEBRUARY Sir Basil Blackett was loudly cheered by the Assembly both when he rose to present his last budget and also towards the conclusion of his speech. The Swarajists joined in the general cheers when he sat down with a prayer that no storm from without or from within might descend upon India to disturb the bright prospects of financial well-being to which India seemed to be justified in looking forward. During the course of his speech at several stages Sir Basil was cheered, particularly when he announced the complete remission of provincial contributions and when he referred to the fact that the finances of the country had been stabilized. The following speech was delivered by the Finance Member in introducing the Budget for 1928-29 :—

#### INTRODUCTORY.

SIR,—Before the last Simla session, long before the Finance department is usually called upon to make a close forecast of the budget of the succeeding year, questions raised by the report of the Tariff Board on the Cotton Industry necessitated a decision to sacrifice nearly a crore a year of our customs revenue. This decision, which added to the risks already taken in framing a budget for 1927-28 which left a gap of about a crore and three-quarters on the wrong side in the prospective figures for 1928-29, has made the period of incubation of the present budget an exceptionally long one. Long preparation is apt to lead to a long budget speech. Moreover, last budget speeches, like speeches on other valedictory occasions, offer temptations to reminiscent prolixity. But, aware of the temptations that beset me in presenting the last budget statement that I shall have the honour of making to this House, I shall endeavour to signalize the occasion by making my speech a short one.

#### ACTUAL OUTURN OF 1926-27.

2. The revised estimates for 1926-27 published a year ago anticipated a total revenue of 1,29'97 crores and a total expenditure of 1,27'15 crores leaving a net surplus of 2,82 lakhs. The final figures show a total revenue of 1,31-70 crores and

a total expenditure of 1,28.74 crores, leaving a net surplus of 2,96 lakhs. The increased figures on each side of the account arose mainly from the method adopted for bringing railway revenue and expenditure into the account. The only important variation is an excess of 42 lakhs under military expenditure, which has been converted by minor variations under other heads into a small gain of 14 lakhs. In accordance with the proposals I made last year, the entire surplus of 2,96 lakhs has been taken to the Revenue Reserve Fund. The close approximation of the revised estimate to the actual outturn is an encouraging sign of the improvement in our methods of budgeting. The extent of this improvement will be clear from the statement attached to the printed speech which gives the corresponding figures for a period of ten years.

#### REVIEW OF THE YEAR 1927-28.

3. The visible balance of trade, including private imports of treasure, for the ten months ended 31st January 1928 was in favour of India by 37.24 crores as compared with 27.05 crores a year ago. Both imports and exports of merchandise have increased in value by 8 percent. Improvement has been increasingly marked during the latter months of the year 1927, and it is a further sign of inherent soundness of India's trade position that practically all the principal articles of import and export contribute to the increase. Among exports, raw cotton alone shows any appreciable falling off, reflecting the unsatisfactory conditions of the last harvest, but the figures for the present season, so far as they are available, hold out a better promise. I will not occupy the time of the House with figures for individual commodities except to refer to motor vehicles of which the statistics are of peculiar interest in relation to the development of India's road communications. Following the reduction in duty which came into force a year ago, increases of 16 and 35 per cent. respectively have been recorded in the number of motor cars and commercial motor vehicles imported during the first nine months of the year, but owing to lower prices, the yield of our customs duty on these imports has fallen below our expectations. During the last two years, however, prices in general have shown a stability unknown since the outbreak of the war. While more stable world conditions are partly responsible for this result without which there cannot be a healthy basis for the expansion of trade, the figures of India's trade reflect the advantages which have accrued from the stabilization of the rupee. I always regard railway earnings as an important barometer of trade and the House has already been made aware of the remarkable improvement in the railway figures for 1927-28 which, by enabling important reductions to be made in railway charges, will itself give a new stimulus towards business and agricultural prosperity. In addition, I think I see other clear indications that during the last year Indian commerce has made a steady advance and that the effects of the post-war trade depression are at long last being dissipated. A noticeable feature of the trade returns is the reduction in the net imports of treasure by 9.2 crores in the first ten months of the current year.

#### REVENUE, 1927-28—CUSTOMS.

4. The net customs receipts for 1927-28 were put at 48.73 crores. Present indications are that this estimate will be all but realized. There will, however, be rather wide variations under certain of the individual heads. For example, tobacco is now expected to yield 37 lakhs more, mineral oils 38 lakhs more, protective duties on iron and steel 25 lakhs more, and jute as much as 55 lakhs more than estimated, while there will be a deterioration of something like 70 lakhs under cotton piecegoods, and 40 lakhs under matches. On the whole, I think we shall be down by about 10 lakhs. This is very satisfactory when we remember that the estimate allows for the loss of about 45 lakhs due to the abolition of the import duties on mill stores, and machinery consequent on decisions taken after the budget was framed. The stopping of the leakage in Kathiawar may be given as an important reason for improvement in our figures.

5. Taxes on income have proved a disappointment, particularly in Bengal where the original estimate was unduly high. I have taken the original estimate of 16.95 crores—a deterioration of 1,50 lakhs.



## SALT.

6. Salt revenue is down on the original estimate by 25 lakhs notwithstanding the fact that salt issues have so far been slightly in advance of last year. The system of credit sales accounts for a portion of the decrease, and I expect a better yield next year.

## OPIUM

7. The net revenue from opium scarcely varies from the original estimate a slight reduction in the receipts being counterbalanced by a reduction in expenditure.

## RAILWAYS.

8. The railway contribution, as the House is aware, is now estimated at 6.36 crores as compared with the budget figure of 5.48 crores. The latter estimate assumed that the net surplus would not exceed 3 crores and would, therefore, go in full to the Railway Reserve Fund. The improvement in railway earnings has the result of making the surplus considerably bigger and one-third of the excess over 2 crores accrues to general revenues.

## EXPENDITURE, 1927-28.—MILITARY.

9. I put military expenditure at 54.92 crores, the same figure as in the original budget. Savings owing to troops being sent to China and other causes have been or are being used towards financing a programme of expenditure upon modernization which the Army authorities and the Government of India recognize as urgent but for which adequate provision could not be made in the budget. It is satisfactory to note that no excess is anticipated over the original estimate.

## DEBT SERVICES.

10. The head Debt Services shows a saving of 17 lakhs owing to an increase in the interest payable by Railways as a result of their having spent 30 crores on new capital works as against 25 crores provided in the budget. There is also an increase in the interest receivable from the Provincial Loans Fund owing to the larger advances made to it.

## OTHER HEADS.

11. The only other variation of importance which I need mention is a decrease of 18 lakhs in irrigation expenditure. This is more apparent than real, and represents mainly a transfer from revenue to capital in the North-West Frontier Province.

## SUMMARY.

12. The above variations may be summarized as follows :—

			( Lakhs of rupees. )	
			Better.	Worse.
Customs	...	...	...	10
Taxes on Income	...	...	...	1,30
Salt	...	...	...	25
Railways ( net )	...	...	88	...
Debt services	...	...	17	...
Immigration expenditure	...	...	18	...
Other heads	...	...	42	...
			<hr/> 1,65	<hr/> 1,65

In other words, the revised estimate, like the original budget, exhibits neither a surplus nor a deficit. The latter put revenue and expenditure at 1,25.26 crores, the revenue figure including a special appropriation of 1.72 lakhs from the Revenue Reserve Fund to which the revenue surplus of last year was transferred. The revised estimates point to a total expenditure of 1,27.74 crores and a total revenue of the same figure including a special appropriation of 1.69 lakhs from the Fund. Exclusive of this last item, the variation in the net result amounts to 3 lakhs only. Here again, we have reason to congratulate ourselves on the success of our budgetting.

## WAYS AND MEANS AND PUBLIC DEBT.

13. Before giving the figures for next year, I propose to deal with the Ways and Means position. This may be briefly summarized as follows :

			( Crores of rupees. )	
			Revised, 1927-28.	Budget, 1928-29.
<i>Liabilities.</i>				
Railway capital outlay	...	...	30'0	28'0
Other Capital outlay	...	...	2'3	4'4
Provincial Governments' transactions	...	...	8'0	7'0
Discharge of debt ( net )	...	...	25'4	19'1
Miscellaneous ( net )	...	...	3'0	—'2
			68'7	58'3
			( Crores of rupees. )	
			Revised, 1927-28.	Budget, 1928-29.
<i>Resources.</i>				
Rupee Loan ( net )	...	...	18'5	32'0
Sterling loan ( net )	...	...	9'1	...
Postal Cash Certificates and Savings Bank.	...	...	6'7	6'6
Other unfunded debt	...	...	4'0	5'1
Debt redemption	...	...	5'2	5'6
Depreciation and Reserve Funds	...	...	5'8	6'8
Gain on Revaluation of Securities in the Paper Currency	...	...	...	...
Reserve, etc. ( net )	...	...	7'1	...
Reduction of Cash balance.	...	...	11'4	2'2
			68'7	58'3

## POSITION SATISFACTORY.

The net proceeds of the rupee loan in the current year amounted to 18½ crores only, while the total amount of debt redeemed amounted to 25·4 crores. Of this total 21½ crores represented the bonds maturing in 1927 and 1928 which were either converted or redeemed in cash. In our anxiety to guard the interests of the Indian taxpayer and in our desire not to disturb the market in Government securities which were being quoted at rather figures than we ourselves thought to be justified, we did not make the terms of our rupee loan as attractive as we possibly should have done, and the fact that it was a shortdated loan seems to have militated against complete success. In the result, we had to tide over temporary difficulties by various expedients. The re-introduction of Treasury Bills in India was in full accordance with our plans, as we deliberately desired to improve the financial facilities of the Indian money market and check seasonal fluctuations in the market for Government securities by this means. We found it necessary, in addition, to resort to external borrowing, first by raising sterling bills to the extent of £5 million in England in July last which have since been repaid and later by the issue of a sterling loan of £7½ million about a month ago. Even so, the net cash receipts from the rupee and sterling loans aggregated only 27½ crores which was only about 2 crores more than the net amounts of debt discharged and as much as 13 crores less than the amount required for railway and other capital outlay including that of provincial Governments. It is no inconsiderable achievement to have financed a capital outlay of this magnitude in a year of rather difficult money conditions, in which our own calculations were upset by the fact that the capital expenditure was 6½ crores in excess of our original anticipations. It is in my opinion, well worth India's while to persist in the policy of spending money freely on capital development for productive purposes. The railway budget introduced last week, with its big reductions in fares and freights, is evidence of the value of the policy we have been following. Very large sums are now being invested year by year in expansion of railways, in irrigation works, in harbour development and on hydro-electric and other projects. But if this policy is to be continued unchecked, there must be no slackening in the annual savings of the country and these must be made available without stint, for loans for capital purposes whether issued by the Central

Government, by provincial Governments or by other authorities. For 1928-29 the capital programme of the railways is being restricted to 2½ crores with a special addition of 4 crores for the purchase of the Burma Railways. The Railway Board would have liked a larger allotment, but we felt that this was much as we could wisely provide in existing circumstances. The aggregate capital expenditure next year, including the drawings of provincial Governments, is again expected to be in the neighbourhood of 40 crores, while the net amount of debt falling due for discharge will be 19 crores. Allowing for other capital resources available to us, I expect that it should be sufficient to raise a loan of about 32 crores only, of which about 13 crores will represent new money. I see no reason at present to think that the whole of this cannot be raised in India, but much must depend on the monsoon, and the fact that the payment to the Burma Railway Company has to be made in sterling adds to our sterling requirements. Indeed if we effect the purchase out of money remitted from India, we shall really be paying off four crores of external indebtedness.

## HOME REMITTANCES.

14. A year ago, we estimated that we should require to remit £35½ million to London during 1927-28. Actually, this would have been somewhat higher owing to our inability to carry out the remittance programme in full at the end of 1925-27, so that we started with abnormally low balances in London. In addition, the excess in our capital expenditure was partly incurred outside India. The sterling loan to which I have just referred has made it possible to reduce the net remittance figure to about £30¼ million of which £28½ million is expected to be remitted through the market. For 1928-29 the remittance figure has been put tentatively at £35 million, which will enable us to close the year with a normal balance.

## PRICES OF GOVERNMENT SECURITIES.

15. I quote, as in previous years, the market prices of Indian Government securities in India which show how India's credit has improved in recent years.

## MARKET PRICE ON

	1st Feb. 1923. Rs. a.	1st Feb. 1924. Rs. a.	1st Feb. 1925. Rs. a.	1st Feb. 1926. Rs. a.	1st Feb. 1927. Rs. a.	1st Feb. 1928. Rs. a.
5 per cent. Tax free loan, 1945- 55. ...	88 4	95 10	97 15	100 12	107 5	106 10
3½ per cent. Indian Govern- ment rupee loan. ...	57 0	65 0	66 9	70 8	77 7	75 15

The following further figures compare the prices of India stock and other stock in London on certain dates. They show even more clearly than they did last year that the credit of the Government of India now stands considerably higher in the London market in relation to the British Government and other gilt-edged borrowers than it did in 1914.

	30th April 1914.	30th April 1923.	1st. Feb. 1926.	1st. Feb. 1927.	31st. Dec. 1927.
India 3 per cent loan ...	...	...	75¼	60¼	58 59¾ 62¾
India 3½ percent. loan ...	...	...	88¼	70¼	68 70¾ 72¼
Local loans 3 per cent stock	...	...	87	69½	64¼ 63¾ 65
London County Council :— 3½ per cent. stock ...	...	...	97	79¾	73 74½ 73½
3 per cent stock ...	...	...	81	68½	63 64 63¾

The improvement of India's credit in London was strikingly demonstrated by the success of the recent sterling loan,

Last year I commented on the fact that the disparity between the prices of India  $3\frac{1}{2}$  per cent. Rupee stock and India  $3\frac{1}{2}$  per cent. sterling stock was leading to very considerable transfers of money from India to London in order to take advantage of the higher yield of the sterling stock. This process has been continuing to a not inconsiderable extent, though checked by the final stabilization of the rupee on a gold basis. It is significant that disparity is much less now than it was last year. Nevertheless, the necessity for an external loan was partly due to the effects of this transfer of capital away from India, and if public and private transactions be taken together, I have little doubt that in spite of the issue of a sterling loan of £  $7\frac{1}{2}$  million in 1927-28, the net amount of India's external indebtedness has been considerably decreased and not increased in the course of the last year. It will be seen from the figures which I am about to give of the Government of India's total debt, that the increase during the year in our external indebtedness as a Government, is considerably less than the sterling loan and that the sterling debt is only £  $3\frac{1}{3}$  million more than it was three years ago. During 1927-28 our total indebtedness has increased by 15 crores, while our deadweight debt has decreased by 22 crores.

[We omit the statement showing the Debt of India, outstanding at the close of each financial year.—EDITOR.]

In the five years since the 31st March, 1923, when the era of deficits came to an end the aggregate debt has increased by 1, 13 crores, the productive debt has increased by as much as 1,89 crores, and the unproductive portion has been reduced by 76 crores. By the end of 1928-29 we hope to have just about liquidated the debt due to the five years of revenue deficits from 1918-19 to 1922-23, and if the recent rate of progress is continued, our unproductive debt should vanish altogether in about twelve years' time.

#### BUDGET ESTIMATE FOR 1928-29 —REVENUE— CUSTOM.

17. I now turn to the budget estimates for next year, 1928-29. Net customs revenue at 50.18 crores is expected to bring in 1,55 lakhs more than the revised estimate of the current year. Sugar, allowing for the effect of the establishment of the land customs line at Viramgam, should bring in about 40 lakhs more; motor cars and cycles which, in point of revenue though not in point of numbers, proved somewhat disappointing after last year's reduction of duty, should bring in about 26 lakhs more; cotton piecegoods have been disappointing in the current year, but should show an improvement in 1928-29 which I put at 30 lakhs. On the other hand, I have had to allow for the full effect of the loss of revenue resulting from the abolition of the import duty on mill stores and machinery which was only partially felt in the current year. This in itself means a further loss of 40 lakhs.

#### TAXES OF INCOME.

18. I have assumed that next year's receipts under head of Taxes on Income will fully reflect the prosperity which the jute trade is enjoying in the current year, as is evidenced by the revised estimate of the export duty on jute; also that we shall obtain a full year's revenue under the altered method of assessment of tea companies. Allowing for these two factors, we are, I think, justified in taking the net total for next year at 17 crores which is 1,35 lakhs more than the revised estimate for the current year, but only 5 lakhs more than the original budget.

#### SALT.

19. Under the head Salt I have repeated the Current year's budget figure of 7 crores. This is 25 lakhs more than the revised estimate which as I have said does not represent the full duty upon the actual issues of 1927-28.

#### OPIMUM.

20. The result of our policy of gradual reduction and eventual extinction of opium exports is to reduce gross opium revenue by 32 lakhs next year, but there will be a saving of 7 lakhs in expenditure so that the net sacrifice under this head will be 25 lakhs.

#### RAILWAYS.

21. The contribution from railways to general revenues for next year will, under the convention, be based on the results of the working of the year

1926-27, and yield only 5·23 crores. This will be reinforced by the addition of 25 lakhs representing one-third of the surplus over 3 crores assumed in the railway budget. Even so, we shall be getting 88 lakhs less than is anticipated in the revised estimates for 1927-28.

#### OTHER HEADS.

22. I have allowed for the reduction of 10½ lakhs in the subsidy due from Mysore, which was recently sanctioned. For the moment, I assume that we shall be receiving from the provinces the entire amount of the contributions which have not been finally extinguished, namely, 2,58 lakhs, inclusive of 54 lakhs from Bengal.

#### EXPENDITURE.—MILITARY EXPENDITURE

23. The following table exhibits the figures of net military expenditure for each year since 1921-22 :—

		(Crores of rupees.)
1928-29	...	69·81
1922-23	...	65·27
1923-24	...	56·23
1924-25	...	55·63
1925-26	...	56·00
1926-27	...	55·97
1927-28 (revised estimate)	...	54·92
1928-29 (budget estimate)	...	55·10

In 1928-29 military expenditure has been taken at 55·10 crores of which 10 lakhs represents a new provision for expanding the Territorial Force. Excluding this special provision, the figure is 8 lakhs more than the one for the current year. I warned the House a year ago that there was no immediate prospect, after the big reduction since 1921-22, of further substantial savings in military expenditure. The Government have given very special consideration to the matter during the current year and we have come to the conclusion that the figure proposed for next year can not be reduced if India is to make a reasonable provision for her defence in modern conditions.

#### DEBT SERVICES.

24. Under the head Debt Services, we have a saving, as compared with the revised estimate for 1927-28, of 67 lakhs. I should, however, draw the attention of the house to the fact that the budget estimate includes two abnormal items, namely, one of 81 lakhs for the premium on the 5½ percent. Bonds issued in 1918 and maturing in 1928 at 105 percent. and an increased charge of 25 lakhs for bonus on Cash Certificates. Both these charges are in the nature of deferred interest. But for these special items, the savings would have been as much as 1,73 lakhs. I have drawn attention in previous years to the way in which our steady pursuit of the policy of making regular provision for the reduction or avoidance of debt and confining new borrowings to productive purposes is bringing in an annual dividend to the taxpayer. The charge for interest on dead weight debt in the year 1923-24 amounted to 15·97 crores, while in 1928-29 it will be only 9·51 crores—a decrease of 6·46 crores. The increase in the provision for reduction or avoidance of debt during the same period is 171 crores, while the aggregate provision on this account next year is 5·40 crores. In other words, the saving in the interest on dead weight debt in the five years is more than three and a half times the increase in the provision for debt redemption and over a crore more than the actual provision on this account in 1928-29.

#### BENEFICIAL SERVICES.

25. The expenditure on Civil Administration next year is expected to be 41 lakhs more than the revised estimate for 1927-28. A portion of this is represented by annual increments, etc, but, although perusal of the proceedings of the Standing Finance Committee and of the demands for grants will show that we have not been niggardly in providing increased amounts for beneficial services. I would draw the attention of the house to the larger grant to the Indian Research Fund Association, to the new items of expenditure in the demand for Agriculture and to the scholarships to Indian artists for study and training in Europe. On the commercial

but none the less beneficial side of our activities, the House will observe with interest the new or increased provision made for certain items of expenditure, particularly those relating to irrigation in Waziristan and Baluchistan, forests in the Andamans, the Trade Mission and extension of the rupee purchase policy. We have also a number of new items relating to the development of Civil Aviation in pursuance of the policy accepted by the house a year ago. The expenditure on the five year education programme, to which I referred in my budget speech last year, is of course continuing and progressive, but we have not been in a position this time to provide for any similar new programmes within the limited means now at our disposal.

#### POSTS AND TELEGRAPHS.

26. The Indian Posts and Telegraphs department, which was expected to work a year ago at a small loss of Rs. 76,000, is now expected to show in 1927-28 a net loss of about 4½ lakhs. There has been a considerable increase in the gross receipts of the department but this has been rather more than counter-balanced by an increase in working expenses. The increased loss has been brought about mainly by the fact that an additional sum of 8 lakhs has had to be provided to enable the book value of a large volume of surplus, obsolete and over-valued stores to be written down to their current values. The department is, however, expected to show a small profit of Rs. 23,000 next year after making a provision of over 14 lakhs for additional expenditure on new measures of improvement of the conditions of service of the lower-paid staff. This provision represents yet another instalment of the scheme of improvement of the conditions of service of the establishments in question which, as I informed the House last year, has been under the personal investigation of my hon. colleague, Sir Bhupendra Mitra. When the details of this scheme were placed before the Standing Finance Committee a couple of months ago, special reference was made to the desire so often expressed in the House that the question of reducing postal and telegraph charges should be pursued. As was then pointed out, such reductions would involve a far greater loss than the present finances of the department would justify. I am not sure myself whether it will ever be possible to run the department without a subsidy from the taxpayer at much less than the present postal rates, regard being had to the index number of the cost of living today and the consequent increase in the wages bill. In any case, priority must be given to the staff. The Indo-European Telegraph department, which was expected to show a loss of 3 lakhs in the current year, exhibits no appreciable change, though for 1928-29 the figure of loss will be somewhat larger, namely, 7½ lakhs. The earnings of the department are affected by the competition of the radio system of communications between India and England. It is suffering just as the cable companies are suffering.

#### BUDGET SURPLUS.

27. The aggregate revenue of 1928-29 is put at 1,32.23 crores and the expenditure at 1,29.60 crores. At this stage, therefore, we have a surplus of 2.63 lakhs. The main variations from the revised estimate for the current year may be summarised as follows :—

			Better.	Worse.
Customs	...	...	1.55	...
Taxes on Income	...	...	1.35	...
Salt	...	...	25	...
Opium (net)	...	...	...	25
Railways	...	...	...	88
Provincial contributions	...	...	2.58	...
Revenue Reserve Fund	...	...	...	1.69
Debt Services	...	...	67	...
Civil Administration	...	...	...	41
Military Services	...	...	...	18
Other heads	...	...	...	36
			<u>6.40</u>	<u>3.77</u>
Net	...	...		2.63

28. I do not doubt that the House will share the satisfaction of the Government at this surplus, which is all the more gratifying when we remember that considerable risks were taken a year ago in the original budget, and that, on top of those risks, we agreed during last summer to sacrifice nearly a crore a year of customs revenue for the sake of assisting the cotton industry.

#### LIABILITY FOR BONUS ON CASH CERTIFICATES.

Before, however, considering what to do with the surplus, I must draw attention to the accumulated liability in respect of the bonus on Cash Certificates. These certificates were first introduced in India in 1917 in connection with the first Indian War Loan and were designed to attract the small investor. They have been very popular and have done great service in promoting savings in India. Cash Certificates of the nominal value of no less than 40 crores will be outstanding on the 31st March 1928. Unlike our regular annual rupee loans, they are always 'on tap'; and they can be encashed at any time though they come to full maturity only after 5 years. Their capital value is not subject to depreciation, and the actual amount payable on encashment is on a progressive scale so fixed that the investor gets a growing return for his money after the first twelve months; consequently, the longer he keeps his certificates, the greater is the inducement to keep them till maturity. But this accrued bonus is paid along with the capital value only at the time of encashment, whenever that may be, and not half-yearly as in the case of our ordinary loans. All these factors combine to make it impossible to forecast precisely the amount of bonus that may have to be paid in any year, while there is the additional practical difficulty that the actual payments in a year are generally less than the accrued liability, and the accrued liability is constantly growing in amount. In the case of the ordinary debt, we can know exactly what we have to pay and provide for such payments from revenue accordingly. In the case of Cash Certificates, on the other hand, we have so far been providing out of revenue only for actual payments in the year and not for the accrued liability. I estimate that this accrued but undischarged liability for bonus was about 3-4 crores on the 1st October 1927 and will stand at about 5½ crores on the 1st October 1928. Following past practice, which is of course fully defensible in view of the fact that, in the main, our budget is a cash budget in which provision is normally made only for actual receipts and disbursements during the financial year to which it relates, and having regard to our revenue position generally, I have not been able to include, in the forecast next year, anything more than the amount of the present estimate of actual payments of bonus, namely 50 lakhs. Even this figure is 25 lakhs more than is required in 1927-28, but there remains a large balance which we may, theoretically, be called upon to pay at any moment and for which we have made no provision; and as soon as the revenue position permits it, we shall have to consider setting aside considerable sums from revenue in a separate fund in order to enable us to meet the full liability when we are called upon to do so. The liability is becoming too large for us to be content to leave the full burden to fall on later years, when a sudden increase may seriously disturb the equilibrium of the budget.

#### SURPLUS RECURRENT.

29. I do not think, however, that this liability need deter us from utilizing the surplus disclosed in the budget as a recurrent surplus. In 1929-30 the special item of 81 lakhs for premium on bonds referred to by me earlier in my speech will disappear and substantial savings may be expected to accrue in future, as they have done in the past, under interest on deadweight debt. In 1929-30 also, we stand to gain considerably from the increased net earnings of our railways in 1927-28. The advent of a bad monsoon or other unforeseen circumstances would no doubt disturb the position, but on the other hand, our revenue from taxes on income should show some improvement from year to year. The same is true of our customs revenue subject to the proviso that there are good reasons for regarding the present figure of 15 per cent for our general revenue tariff as unduly high, and it would undoubtedly be in the interests of the trade and industry of the country to reduce it, as soon as financial considerations permit, to a level at which it will compare less disadvantageously with the figure at which the revenue tariff of most of the

advanced countries of the world is fixed. I do not, however, think that any reduction is possible in the present budget.

#### COMPLETE AND FINAL REMISSION OF PROVINCIAL CONTRIBUTIONS.

30. We have another and a prior claimant to our surplus. Last year we remitted the entire amount of the outstanding provincial contributions; and although a portion of this, namely 2,58 lakhs, was stated to be definitely temporary, I do not think that either the Assembly or the Government of India would care to face the storm of protest which would greet us from the provinces if the final extinction of the provincial contributions, which we have undertaken to remit at the earliest possible moment, were not effected now, and preference were given to remission of central taxation or even to new expenditure. The Government of India accordingly propose that 2,58 lakhs of our surplus shall be utilized for such extinction, leaving a small surplus of 5 lakhs in the budget.

#### CONCLUSION.

31. I have now given to the House all the secrets of the budget of 1928-29. It is not a spectacular budget. After the budget of 1927-28 and the railway budget for 1928-29, with its large reductions in passenger fares and in freights, it might almost be called an anti-climax. It imposes no new taxation and though it allows for reductions in the customs tariff to the tune of nearly a crore, these reductions were announced six months ago. What this budget does is to provide a surplus, in spite of the reduction in the customs tariff, sufficient finally to extinguish the provincial contributions. I think it is a budget which both the Government and the country can view with pleasure. We have consolidated the ground won last year and can now establish our friends and allies, the provincial Governments, firmly and finally in the trenches which we won for them a year ago, but which have hitherto been debatable ground. The provinces have now no further fears of a counter-attack. They can proceed to carry out the great task allotted to them in the governance of India, with the knowledge that no part of the revenues at their disposal will be diverted to the central Government's purse. The central Government too has reached a new vantage ground, from which it can begin to survey the country ahead. In opening my first Indian budget, the budget for 1923-24, I voiced some of what I called in the language of Mr. Punch my, 'first depressions'. The only cause for depression that I see today in the matter of India's finances is personal. I have to say goodbye to the officials of the Finance department to whose invaluable and devoted assistance during 5 very strenuous years I desire to pay a very sincere tribute, and I cannot myself hope to take a share in solving any of the many interesting financial problems still remaining to be dealt with. Intrinsically, the financial position of the Government of India seems to be sound and prosperous. From 1929-30 onwards, it will be the privilege of this House and of my friend and successor, Sir George Schuster, whose acceptance of the post is a matter of great personal satisfaction to me, to find no outside claimant to the recurring surpluses which I hope it will be their good fortune to enjoy in the coming years and they will be free to turn their minds on the one hand to new directions in which money can be usefully laid out for India's advancement, and on the other hand to the readjustment of the burden of taxation and to those reductions of taxation, so welcome to tax-gatherer and taxpayer alike, which apart from some minor cases and with the one big exception of the cotton excise duty, have been beyond our reach in my term of office. I cannot more fittingly close my statement than with the prayer that no storm from without or from within may descend upon India to disturb the bright prospects of financial well-being to which she seems today to be justified in looking forward.

This finished the Budget speech and the Assembly adjourned till the next day, the 1st MARCH to transact official business.

#### SALT ADMINISTRATION IN BURMA.

Mr. V. K. Ayyangar moved for the consideration of the Burma Salt Act (Amendment) Bill, making the administration of Salt in that province a central subject. Mr. B. Das opposed the measure, which was eventually passed.

#### AMENDMENT TO SECURITIES ACT.

On the motion of Mr. V. K. Ayyangar, the Bill amending the Indian Securities Act, as passed by the Council of State was passed.



The object of the Bill is to enable a company to hold Government securities jointly with a private individual or another corporate body and to empower the Government to pay the amount of the securities to the surviving joint holder in any case that may arise.

#### PLYWOOD TEA CHEST INDUSTRY.

Sir George Rainy, in introducing the Bill providing for the fostering and development of the manufacture of plywood tea chests in British India, said that it was brought to his notice that the time since the publication of the Tariff Board's report and the announcement of the Government of India was too short to make it possible for members to take this Bill into consideration. He considered that feeling to be reasonable and did not move for the consideration of the Bill.

#### PROTECTION FOR WAGONS AND UNDERFRAMES.

Sir George Rainy then introduced the Bill to give effect to the Government decisions on the Tariff Board's report regarding protection to the steel industry (wagons and underframes).

In moving for the reference of the Bill to a select committee, the Commerce Member explained the Government decisions in great detail and pointed out that the reason why the wire nail industry was not given protection was that the necessary raw material for this industry was not produced and the only firm which had been manufacturing wire nails had shut down and there was nothing at present to protect. The protective duty in respect of wire nails was, therefore, being removed from the Tariff Act.

But in the case of wagons and underframes, the policy of protection had succeeded and there was every reason to hope that the industry would, with some protection, be able to stand on its own legs. As one who had been associated with the question to the steel industry, Sir George Rainy said that he had given the greatest possible attention and care to the needs of the industry. The Government hoped that in three years' time they would be able to purchase wagons and underframes from firms in India to the extent that they did in 1923-24 and that after that there would be no need for protection beyond a revenue duty.

Steel castings were not given protection in spite of the Tariff Board's recommendation, because it had been ascertained that the circumstances of the industry were such that the industry could not develop to any great extent by means of a bounty. The motion for a select committee was carried. The Assembly adjourned.

#### GENERAL DISCUSSION OF THE BUDGET.

On the 7th MARCH the Assembly met after five days' recess and held a general discussion of the budget and continued it till the next day. In all 12 spoke on the second day, three Swarajists, three officials, two Independents, one Nationalist, two Europeans and one non-party member.

Sir Purshotamdas Thakurdas, Mr. Chetty and Mr. Jamnadas Mehta launched an attack on the financial regime of Sir Basil Blackett, which forbade them from joining in the chorus of congratulations. Sir Victor Sassoon indignantly protested against the cruelties of the income tax collectors.

Col. Gidney confessed that there was a colour bar in the Indian Medical department, affecting his own community.

Dr. Moonje met the Government on its own ground and, while conceding the fetish of efficiency, showed how the replacement of British by Indian soldiers would reduce substantially the military bill.

The only official who attempted to come to the rescue of Sir Basil Blackett was Mr. Abdul Aziz who revealed the typical mentality of district officers, particularly of the Punjab, by trying to drive the wedge between middlemen and agriculturists.

Finally, Sir Basil Blackett wound up the debate in a clever speech, which beyond the debating success did not throw much light on the points raised during the debate and indeed seemed to prove a member's accusation that much of Sir Basil Blackett's difficulties were temperamental, in that he thought nothing good in opinions opposed to his own.

## THE COMMANDER-IN-CHIEF'S STATEMENT ON SKEEN COMMITTEE

His Excellency the Commander-in-Chief then made his speech regarding the Government's decisions on the recommendations of the Sandhurst Committee.

The Commander-in-Chief first dealt with the general subject of military expenditure and put in an able defence against the criticism of the Army estimates. He pointed out that all the actual cuts recommended by the Inchcape Committee to reduce the budget to 57 crores had been faithfully carried out and that in spite of certain charges since transferred to the Army, the budget now stood just over 55 crores. As regards reduction to 50 crores if the prices fell, the Commander-in-Chief showed that the total annual expenditure on food stores had fallen since the Inchcape Committee reported.

Referring to the criticism that the whole of the Army expenditure in India was unproductive and largely contributed to the drain of money to the United Kingdom, the speaker mentioned that a considerable amount was restored to the pockets of the Government in another form. For instance, the total taxes and duty paid by the military amounted to one crore. Then, again, the railways, posts and telephones, printing and stationery took away another 1,80 lakhs. He also showed how service in the army raised the character and standard of the classes from whom the Indian soldier was drawn. Then, 65 lakhs were spent annually from the Army funds directly on nation-building services, such as education, sanitation, etc. Further, various departments of the Army, such as the remount department, grass and dairy farms and various factories, played their parts by setting an example to private enterprise. And as for the drain of money to the United Kingdom the Commander-in-Chief mentioned that 77 per cent was spent in India and only 23 per cent in England.

The Commander-in-Chief remarked that while the Indian military budget had been constantly decreasing, the Soviet Russian estimates for 1926-27, were 50 per cent greater than those for 1924-25.

Dealing with mechanisation, the Commander-in-Chief said the heavy initial expense consequent upon India's present limited industrial resources and factories and the need for exhaustive experiments to discover which types of fighting or transport vehicles were most suited to India, made the progress necessarily slow in the initial stages. But when these stages had been passed, there would be a large recurring saving in the substitution of motor traction for a considerable portion at any rate of animal transport.

## THE SKEEN REPORT.

The Commander-in-Chief next dealt fully with the Skeen report and announced that the Home and Indian Governments had been able to reach unanimous conclusions regarding Indianisation of the Indian Army as a whole. He emphasised three primary considerations: (1) recognition that a further measure of Indianisation in the Army was necessary; (2) as the Indian Sandhurst Committee had insisted, there must be no diminution in the all-round efficiency of the Army in India; (3) as the committee had also observed, there must be no breakdown in the supply of British recruits to the commissioned ranks of the Army.

The Government had accepted the initial recommendations of the committee that the number of direct vacancies at Sandhurst open to Indians should be increased from 10 to 20 a year and that five to 10 vacancies in addition be reserved for the Viceroy's commissioned Indian officers. As regards further expansion of vacancies, the Government could not accept the committee's proposals which amounted to a mere time table from the year 1929 to 1952, irrespective of whether efficient and suitable candidates were forthcoming. The Government would wait and see the effect of the large initial increase in the number of vacancies offered. The committee had produced a programme which, according to its own admission, was liable to be corrected according as candidates came forward or not. The Government on the other hand should frame the later stages of their scheme in the light of actual experience at the time. It must be remembered that the 10 vacancies did not now produce 10 Indian King's commissioned officers a year.

The Commander-in-Chief announced that his Majesty's Government had agreed to open vacancies at Woolwich and at Cranwell for Indian cadets with a

view to the formation of Indian artillery, engineer and air units. The number of vacancies to be available each year would naturally depend on the numbers required to officer these units and with a maximum of six cadets or 37 Indian vacancies at Sandhurst, Woolwich and Cranwell. In the case of the Air Force, the question of eventual numbers would have to depend upon whether they met with success in producing numbers sufficient to enable them to avoid a satisfactory scheme for its formation. Indians had now for the first time in history the opportunity of becoming officers in the artillery, engineer and air services of the Indian military establishment and the obligation now lay upon India to prove that her sons were fit for this great charge.

The entrance examinations for the Indian cadets at all the three colleges would be assimilated as far as possible to the examination taken by British candidates but certain papers in which Indian candidates owing to differences of nationality and outlook might be at a disadvantage would be modified so as to allow for differences in language and general knowledge. Indians would not compete against British boys for the Sandhurst examination but compete among themselves reserved for them. Approval had been given to the nomination of an Indian nonofficial gentleman by the Viceroy as recommended by the committee, to form part of the oral examination board before which the cadets would appear. It had also been decided that the local civil authorities, *e. g.*, the collector or commissioners, shall not have the power of turning down a candidate before he reached the examination stage.

#### THE 8-UNITS SCHEME.

The principle of the existing 8-units scheme would be maintained. The present Government of India agreed with the Government in Lord Rawlinson's time, when the scheme was introduced, that if Indian officers scattered over the Indian Army it would be impossible to obtain any criterion as to their ability to command units. Indians would, therefore, continue to be posted in regiments reserved for them. In this connection the Commander-in-Chief strongly objected to the use of the word segregation, pointing out that the Indian officers were serving on the best of terms with the British officers in those units and that it would be years before the last British officer was eliminated from them. Senior British officers were doing all in their power to educate and to train young Indian officers in those regiments so as to enable them to take over the command of squadrons and companies when they reached sufficient seniority and later on regimental commands. To such a system the word 'segregation' was inapplicable. The Government would, therefore, continue posting officers in the normal way so long as the anticipated output from Sandhurst could be absorbed in them. When this was no longer possible and they found they had available young officers who had passed out of Sandhurst in larger numbers than could be placed on the cadre of squadron and company officers in those eight units, they would be in a position to commence forming one or possibly more homogeneous units as far as the officers' cadre was concerned, that is, the King's commissioned officers replacing the Viceroy's commissioned officers and so forming units on the same organization as obtained in all British units. But it would probably be a few years before the existing cadre were complete with Indian King's commissioned officers.

#### THE INDIAN SANDHURST,

In making the recommendation for an Indian Sandhurst the committee appeared to have had two principal reasons in view, firstly that with increased numbers of Indian cadets it would be impossible for the British Sandhurst to accommodate them and, secondly, that it was unfair that the parents of Indian boys should be subjected to heavy expenses by sending their boys to England for military education. With these considerations in mind the committee recommended the opening of the Indian Sandhurst in 1933 by which time they anticipated increased number of Indian cadets. The Commander-in-Chief pointed out that the Government had no means of predicting the number of candidates that would come forward in any particular year and could not, therefore, fix a definite date for the establishment of the Indian college. He also pointed out the admitted advantages which a course at British Sandhurst gave to Indian boys in their subsequent

careers and hoped that when the time came and an Indian military college comparable with Sandhurst could be opened in India there would be a sufficient number of Indian ex-Sandhurst cadets and in due course ex-staff college officers to take a hand in forming the military college and staffing it with instructors and professors.

As regards expenses the Government had solved the difficulty by deciding to give grants calculated on the difference between the estimated cost of education at an Indian military college and the actual cost of Sandhurst.

#### GOVERNMENT'S POLICY AND AIMS.

For the future, the Commander-in-Chief said, the rate of further advance depended upon Indians themselves. Until the Government had full experience of the results of the increase now proposed, they would not limit their discretion by detailing a fixed programme of automatic increase in the number of vacancies. The question of increase would necessarily arise when the number of qualified candidates forthcoming was greater than the vacancies. One essential condition would be the maintenance of the requisite standard. The object which we all seek to achieve is to fit Indians to undertake the defence of India. As constitutional advance progresses, the question will continually be asked how far the military side of Indian Swaraj has kept pace. The Government contemplates that as India progresses towards full self-government within the Empire there may be in the process of development an army of the same character as the Dominion armies, organised on a national basis and officered by Indians holding their own distinctive national form of commission. That is our policy of Indianisation. The process of development will naturally be contingent on the success achieved in the various stages of the experiment. The way is now open for the first time for Indians to enter new branches of the Army and to enter it in greatly increased numbers. In no quarter is it desired to impose arbitrary limits to such expansion of India's military effort as events may prove to be within the reach of her capacity. The rate of progress in these matters depending as it does so vitally upon the human element cannot be the subject of an automatic time table. But the Government has now, I venture to think, for the first time laid down the lines of a policy which affords the best means of reconciling the legitimate desires of those who speak for India with the necessity of maintaining at every stage the requisite strength of our defence forces.

Concluding, His Excellency said :—"The Indian Army has been my home for well over the last forty years and my love for it is entirely whole-hearted. I yield to none in my affections for it, in my pride for its great traditions and wonderful past record and in my jealousy to ensure that its future efficiency shall be safeguarded. This, I feel, would not be the case if Government were to attempt to go further at the present time than they have done in the steps taken to further Indianisation which, if forced too hurriedly, would assuredly bring disaster to this Indian Army of ours, ruin to the cause of India and broken hearts to many magnificent old Indian soldiers who have been my comrades and, as they themselves know well the best of friends throughout my lifetime. (Loud applause.)

Pandit Motilal NEHRU then rose and declared that the Commander-in-Chief's speech had left him cold. It was to his mind in perfect keeping with the policy to which they owed the Statutory Commission, which was said to be doing wonders in the Madras Presidency and which was manufacturing stories of receptions. The Commander-in-Chief's announcement was a further-step in the direction of the working of that policy. For, the real thing which they wanted was a Indian Sandhurst, and it was not to be established. He had found no reason to enthuse over the recommendations of the Skeen Committee of which he had at one time been a member. Indeed, when the recommendations were published, he felt a sense of relief that he was not a party to them.

*Mr. Jinnah.*—How do you feel now?

*Pandit Motilal.*—I feel the same now, for even if as recommended by the committee, an Indian Sandhurst was established, it would have taken several years before there would have been a sufficient number of trained Indians for the Army.

## BRITAIN'S INSATIABLE GREED.

But the insatiable greed of Britain, proceeded Mr. Nehru, which was responsible for keeping India in grip, would not contemplate even that contingency of India one day standing on her own feet. Indeed, I hate the word "Indianisation" from the bottom of my heart. We are in India and there is no question about Indianisation. What India wants first is to get rid of Europeanisation of the Army. But there was to be no Indian Sandhurst and even the ten cadets required for the real Sandhurst were not in the Government's opinion available in India and it must take a long time before an Indian Sandhurst could be established.

It was a calumny on the manhood of India to say that there was a dearth of cadets. Even in the short time he was a member of the Skeen Committee he found that there were thousands of candidates available, but that there was no inclination on the part of the Government to get at them and that the Government found the qualification not in ability but in parentage. (*A voice*.—Quite true.) One of the grounds on which several Indian cadets were turned out of Sandhurst was that they could not follow the lectures given in English. There were thousands of students in India capable of following English lectures who were anxious to enter the Army. But this Government would not select them because they were not the great-grandsons of some villagers who some years ago were connected with the Army.

However sugar-coated the announcement of the Commander-in-Chief might be, however tempting the offers of admission to Woolwich and Cranwell and Sandhurst might be, the fact remained that no substantive advance had been given towards a national army in the sense that it was to be officered by Indians. It was sheer hypocrisy to say that it was not possible to establish a military college without increasing the military budget. The Commander-in-Chief might find enough funds in the budget to devote to the purpose.

The Commander-in-Chief had referred to the military budget of the Soviet Government having increased of late. As one who had recently visited Soviet Russia, the Pandit said that they had increased their military expenditure because they were living in perpetual danger of England provoking a war against them. (Laughter on official benches). 'Those who laugh have not been admitted into the War Office. At any rate Russia has an entirely Russian army. But here we have a mercenary army, officered by foreigners in order to put down our nationals'. No self-respecting nation would without feeling contemplate the contingency of paying to others for her own defence for ever.

## A PASSAGE AT ARMS.

Continuing Pandit Motilal Nehru referred to the statement of the Commander-in-Chief that Indian soldiers who went to China had made savings and sent remittances home. Pandit Motilal asked was it savings from their salary or was it the loot which they were allowed to make from the poor Chinese.

*Sir Basil Blackett*.—Savings from their salary.

*Pandit Motilal*.—What about savings in India? Why should they be able to save in China and not in their own country?

*Commander-in-Chief*.—I don't know why but I can assure you that they did save money.

*Pandit Motilal*.—I am sure they did, but probably they were let loose on poor China. (Cries of 'withdraw, withdraw' from official benches.)

*Pandit Motilal*.—I am not going to withdraw. I repeat a thousand times that our soldiers were not used.....(Persistent cries of 'withdraw'.)

*Pandit Motilal*.—You may shout yourselves hoarse but I will not withdraw. I repeat that our soldiers were not used for the purpose for which they should be used. ('Hear, hear' from unofficial benches.) They were used in order to humiliate the nationals of another country, who wanted to assert their independence.

*Mr. Macworth Young*.—You said they looted.

*Pandit Motilal*.—I say, they did not do their duty of their own accord. It is you who forced them to do a duty which otherwise they would have refused to perform.

*Sir Basil Blackett*.—Will Pandit Motilal substantiate the statement that they looted or were ordered to loot?

*Pandit Motilal.*—What am I to substantiate ?

*Sir Basil Blackett.*—You stated a lie.

*Pandit Motilal.*—Am I to substantiate what is human nature ? I repeat it a thousand times.....

*Sir Basil Blackett.*—It is a foul slander.

*Pandit Motilal.*—You are so full of animal nature that you have no idea of what human nature is. It was nothing but animal nature which made you send our troops in spite of our protests.

Proceeding, Pandit Motilal Nehru maintained that the Commander-in-Chief's announcement was in perfect keeping with the policy which underlay the procedure announced by Sir John Simon as regards the Commission's enquiry. This procedure was one to which the Congress party would not subscribe for a single moment. The Army was kept apart as being no part of responsible Government. There was a separate enquiry as regards the Indian States. And yet responsible Government was to be granted by the Statutory Commission which India was asked to cooperate with. Nothing but a miracle would bring self-Government under such auspices, of course, not self-Government but progressive advance towards it.

*Lala Lajpat Rai.*—There is nothing to prevent the Government from going back.

*Pandit Motilal.*—So many Empires have gone down for having ignored the people's will and now the British Empire is ignoring India's will and I say that the day of reckoning is not very far. (Loud unofficial cheers.)

Mr. JINNAH, who was a prominent member of the Skeen Committee, asked the Commander-in-Chief why the report of the sub-committee of the Skeen Committee was still suppressed. If it was not to be published, was the appreciation of the sub-committee's labours genuine or only formal. May I know the object 'of suppressing the report and the proceedings of this sub-committee ?' He thought Pandit Motilal was wise in leaving the committee. (Cheers.) He realized it was not worth while to waste his time, energy and brain. The speaker did not follow that line but continued on the committee in order to produce a fair and reasonable scheme for the purpose of accelerating Indianisation. They spent 13 to 14 months and their report was unanimous.

Mr. Jinnah continued :—“The Government has fundamentally turned down that report and I must emphatically protest against to-day's announcement. It is a travesty of the unanimous recommendations of the Sandhurst Committee. (Hear hear.) It is difficult to deal with the details of the pronouncement. I would take the earliest opportunity, if possible, of moving the adjournment of this House to discuss them and pass a vote of censure on the Government ('hear, hear') for not carrying out the report of the Sandhurst Committee which was approved by this House by an overwhelming majority.

“The Commander-in-Chief has told us that the 8-unit scheme must remain in operation. Every British officer and Indian officer who gave evidence was opposed to the scheme and yet it is not given effect to. Why ? I tell the House the only reason is—and the Commander-in-Chief has put it in diplomatic language—that it will be taking risk, the risk that British recruitment may fall. Why, because it is only by means of the 8-unit scheme that an Indian will never be a superior officer of a British officer.” (‘Hear, hear’ and ‘shame’).

In support of this, Mr. Jinnah quoted from the appendix to the Sandhurst Committee's report the report of a lecture on the subject.

Mr. Jinnah continued :—“You say : “We increase your number to 25 at Sandhurst and six each at Woolwich and Cranwell.” That is not what we are aiming at. The Commander-in-Chief knows perfectly well that we wanted to lay the foundation of a military college in India that will establish our own traditions and a system of our own and the sooner that is done the better. Sir Victor Sassoon says that the military expense is the insurance premium for safety. Have I got the choice to change the insurance office or say I can get as much safety by paying less premium. (Applause.) Here is a machine, the whole basis of it is the garrison in this country. (Hear, hear.) I do not want the garrison of his Majesty's forces to insure me. I want a national army. (Applause.)

“The whole principle is bad from start to finish. So long as you maintain this

vicious principle, so long as this machine continues with the present organization, you cannot reduce very much of its expenditure. What is the good of the Commander-in-Chief telling us yarns that one heard from one's grandmother. "Oh! The Army is a better nation-building department than any other. See, what we do in the education of our soldiers who are better fed and clothed than in their villages. We run factories. We are the pioneers of every national movement in this country." (Laughter.) Sir, I can tell his Excellency these yarns won't do. (Renewed laughter.) I do not deny that the Commander-in-Chief is doing his best. If you were to put me there, I would say the same thing, because I have got to run that machine.

'Why tell us these little yarns if these are the issue. Our fundamental position is this : We want to turn this garrison into a national army. You can help us or hinder. I am convinced that the British Government does not wish to help us. I had my faith in serving on the Sandhurst Committee and that—let me tell the Commander-in-Chief—by turning down this report and the announcement he has made, he has completely shattered my faith in the *bona fides* of the Government.' (Loud and prolonged applause.)

### Demands for Grants

#### EXPORT DUTY ON RAW HIDES.

On the 10th MARCH the Assembly proceeded to the discussion of demands for grants.

A plea for the abolition of the export duty of 5 per cent, on raw hides was voiced by Mr. Muhammad Rafique by moving a cut of Rs 9 lakhs on the first head, "Customs". The speaker held that the relief the Government wanted to give to the tanners proved disadvantageous. Hence if they meant to interpret their good intentions they should come forward with a measure in the form of an import duty. The cut was lost.

#### EXPENDITURE UNDER CUSTOMS.

Chaudhury Mukhtar Singh objected to increased expenditure under the head Customs. In 1921-22, he pointed out, the figure stood at a little over Rs. 54 lakhs while in the present budget it was proposed to spend 87 lakhs. The motion was rejected.

#### DUTY ON JUTE.

Mr. Neogy next moved a cut of Rs. 1,000 to discuss the question of the duty on jute. He showed by citing various authorities that jute was not a monopoly of India. The duty on jute approximated to taxation of the people and affected the prosperity of the province. Further, the imposition of the duty had encouraged foreign countries to manufacture substitutes for jute. He asked the Finance Member to find out whether the duty was a good tax or bad. If it was good and was to be maintained a part of it must be given to Bengal. If bad, it should be abolished. The motion was lost.

#### CUSTOMS PROCEEDS AND INDUSTRIES.

Chaudhuri Mukhtar Singh objected to using the income derived from protective duties for purposes other than the development of industries. He suggested the money realized by customs be proportionately distributed among the various provinces for the benefit of industries. He criticized the Government policy in developing trade solely for the interests of foreign traders.

The cut was lost by 36 votes against 42, the Swarajists remaining neutral.

#### VEERAMGAUM CUSTOMS CORDON.

Mr. B Das, by a token cut, raised the question of the Veeramgaum customs cordon. He maintained that the Government of India was the paramount power over Indian States and they should not have entered into any contract with Indian States allowing them to develop ports without the policy having been defined by the Legislature. He also objected to the harassment of people who crossed the customs line. The motion was withdrawn.

#### DUTY ON SCIENTIFIC INSTRUMENTS.

Mr. K. C. Neogy moved a cut of Rs. 100 to urge a rebate of the customs duty on scientific instruments and chemicals imported for *bona fide* use in educational and scientific institutions. The motion was lost without a division.

### The Army Reforms.

Mr. JINNAH then moved the adjournment of the House to discuss the Government's turning down of the unanimous recommendations of the Skeen Committee. He traced the history of the question since 1921, when a resolution was adopted by the Assembly and accepted by the Government that as soon as funds were available steps should be taken to establish a military college. Then in 1923, when the same question was under discussion, Mr. Burdon, the then Army Secretary, moved an amendment for a committee to examine what steps should be taken to establish a military college. Then again in 1925 Mr. Venkatapathi Raju's resolution was discussed for the establishment of a military college. It was then that Sir Alexander Muddiman moved an amendment, on behalf of the Government, for a committee to consider whether it was desirable and practicable that steps should be taken to establish a military college. The non-official side refused to agree to the implication and contended that stage had passed and the Government themselves had in 1921 agreed to steps being taken to establish a college. But Lord Rawlinson then stated that he had previously accepted the Assembly's wish without knowing the methods of the Assembly, and that he proposed to proceed warily. Fortunately, on account of pressure from the Assembly, Sir Alexander Muddiman himself announced the appointment of the committee which was presided over by Sir Andrew Skeen than whom a more conscientious soldier it was difficult to find in any part of the world. The composition of the committee was decided upon by the Government. That Committee reported and since then the Government had been deliberating and the announcement was made that the utmost extent to which the Government could go was that 37 vacancies would be given in place of the existing 100.

Sir Walter Willson, interrupting, said : In the first instance.

Mr. Jinnah.—Yes, in the first instance, but on Doomsday it would be something more than 37.

Mr. Jinnah, proceeding, asserted that there was nothing new in this announcement, for it was practically the same decision which was arrived at by the War Council and communicated to the sub-committee of the Skeen Committee when it arrived in England. It was, therefore, a camouflage to say that this announcement was the result of careful consideration of the committee's recommendations.

Voices : Shame.

Mr. Jinnah asked the Government to deny his assertion. Proceeding, he pointed out that the recommendations of the committee were several links in one chain which could not be unlinked at any stage without seriously affecting the recruitment of the best material required. The committee had definitely pointed out that the process of training might take time, but a start must be made in an Indian Sandhurst. This had been denied in the Government announcement. At least the late Lord Rawlinson conceded as regards the 8-unit scheme that if there was a surplus of King's commissioned officers they would be posted to other units, but even that had been denied by the statement of Sir William Birdwood, who stated that the eight units would be homogeneous units, meaning that no Indian officer would be in command of British soldiers. This history of army reform was one which did no credit to the Government. Lord Birkenhead had said in the House of Lords that there was no Indian who desired that the British Army should be withdrawn. This, said Mr. Jinnah, was simply not true.

Lala LAJPAT RAI said that the Commander-in-Chief's statement did not come as a surprise to his party (Nationalists). It was exactly as the speaker had expected him to say. Mr. Jinnah's declaration that the conclusion on the Skeen Committee had been arrived at long before the deliberations of the committee had ended proved to show that the Government had already reached their decisions with regard to the future constitution of India. Therefore, nothing would be gained by co-operation with the Simon Commission. Mr. Jinnah had said that his faith in the Government had been shattered. The speaker had never any faith in the Government. Such an attitude was natural. Those who had any faith should disillusion themselves. (Hear, hear.) People who, even after this experience, believed that the British government would give them self-government were misleading their



countrymen. (Hear, hear.) It would be better to chalk out a different course for the attainment of freedom. 'We cannot expect help from the other side to get rid of that side. Sir Victor Sassoon had said that the army was an insurance for the peace of the country, but to the speaker it looked to be an insurance for the constant slavery of India. (Applause.)

Mr. Srinivasa IYENGAR associated himself with the sentiments of the previous speaker and referred to the unsatisfactory recommendations which could not be accepted by the British Government. The time had come to remove from the Indian political life the most mischievous phrase—Indianization. He did not want any foreign army to be called the Indian Army, but wanted a real Indian army. To that end a modest beginning was suggested among others by two most responsible officials of the Government, namely, General Sir Andrew Skeen and Mr. Burdon, which the Government turned down. The argument was given that they were unfit for self-Government, for they could not defend themselves, but at the same time opportunities were denied to qualify themselves for self-defence.

Continuing, Mr. Srinivasa Iyengar said that there was no reason to cooperate with the Statutory Commission even if equal status and opportunities were given to the Indian members, because they knew that their recommendations would meet the same fate as the Skeen Committee's report. (Cries of 'Shame, shame.') The maintenance of this policy would be continued disrespect to the Assembly of which the Government were also members. Time and again, the hypocritical professions of the Government that they were helping Indians towards self-government had been exploded and they should not any more claim sincerity of purpose. Mr. Iyengar advised nonofficials to always pass censure motions till the Government took themselves away else-where. (Laughter).

Alluding to Lord Birkenhead's speech that no Indian had expressed to his lordship India's wish for the withdrawal of the British element in the Indian army, the speaker declared the Government could any day be run in a better manner by Indians than by the British. He would unhesitatingly say Indians did not want the British army and they were quite fit to manage their military affairs.

Before Mr. Macworth YOUNG rose to reply on behalf of the Government, President Patel drew attention to the fact that the Commander-in-Chief, who had made a long speech announcing the Government's decision, was absent when that announcement was being discussed.

The Army Secretary explained that the notice of adjournment was made known this noon before which the Commander-in-Chief had fixed up some other engagement. Proceeding, Mr. Macworth Young regretted that the Government decision should be discussed in a hasty and ill-considered manner when members had not had time to study it. Alluding to the charge that the Government had turned down the recommendations of the Committee Mr. Macworth Young said every one of the recommendations had been accepted by the Government and would be put into operation in the next financial year. On the committee's proposals staff officers in India were consulted and then the Government came to their own recommendations which were forwarded to the Secretary of State who discussed them in his own Council and submitted them to the sub-committee of Imperial Defence before they were finally decided by the British Cabinet. Thus there were full consultations and mature consideration of the vital subject. On one or two points the conclusions of his Majesty's Government differed from those of the Government of India who returned to the charge and obtained the Cabinet's approval before the announcement was made by the Commander-in-Chief. Proceeding, the Army Secretary discussed the number of Indians who would be entitled to admission not only in Sandhurst but also in Cranwell and Woolwich, which, he affirmed, was a great advance. The methods of selection from the army would be improved with due regard to efficiency and the Government had framed a scheme whereby the training of Indian candidates would be financed by the State.

The maintenance of the principle of the 8-units scheme was in the direction of nationalizing the army. There was nothing racial behind it. The Army Secretary said that in the opinion of fighting units it was not a practical proposition to

make British soldiers serve in a unit commanded by an Indian. Unless the improved methods of selection had the desired effect it was not safe to adopt an automatic increase in Indianization as urged by the committee. He regarded the report would be the basis of an immediate constructive proposal.

Colonel CRAWFORD entered a protest against the Government making an important pronouncement during the budget discussions leading to an adjournment motion which prevented a fuller debate thereon. He regarded it as a great advance that Indians had been admitted to the artillery, engineering and Air Force services as well. He complained that both the Skeen Committee and the Government had not given due consideration to the position occupied by the Viceroy's commissioned officers in the future scheme. He thought they must form the basis of nationalisation of the army for they had military traditions which educated young Indians nowadays had not. They had all the qualifications and only required special military training like that which was given at the Kitchener College at Jullunder. Indeed, Colonel Crawford wanted this college to become the nucleus of the Indian Sandhurst. He fully supported the eight-unit scheme, but he pleaded for giving them an increased status and improved position so as to remove the feeling of inferiority.

Mr. K. C. ROY demanded the publication of the despatches concerned with this subject in order to find what part had been played by the Indian representatives on the Viceroy's Council and on the Secretary of State's Council and whether they reflected the Indian view in the matter, for he could not imagine how any Indian could have been a party to his transaction. The announcement by the Commander-in-Chief represented an improvement in detail, but marked a definite setback in policy. He feared Mr. Jinnah forgot to take notice of one significant passage in the announcement, namely, wherein the possibility of a dominion army without King's commission was foreshadowed. Col. Crawford had referred to this last year and evidently he had become a true prophet. India wanted an army in which Indian officers would not be inferior to British officers. He was one of those who had abundant faith in the Government, but that faith had been shaken by the Government decision.

Raja Ghaznafar ALI KHAN, contested Mr. Macworth Young's contention that the recommendations of the Sandhurst Committee were accepted to a great extent by the Government. He quoted Sir John Maynard's views that there were a large number of Indians who could be found fit for Sandhurst, but the chances were not open to them. It was not at all necessary to appoint a committee to deliberate for two years and tour the European Continent and America when the net result was an increase of ten more Indian recruits for Sandhurst. That could be announced by the Commander-in-Chief without the appointment of the committee at a large expense of money and labour. Mr. Burdon and General Skeen would not have signed the report if they considered the case was not strong.

Continuing, the speaker said he represented the largest military constituency in India. He knew that only six months prior to their retirement junior officers of the Indian Army were made lieutenants. (Laughter.)

Alluding to the 8-unit scheme, Raja Ghaznafar Ali Khan remarked that Indians wanted to make military service as attractive as possible, while the Army Secretary wanted to make it more attractive for Britishers. The posts of Subedar-Majors, Subedars and Jamadars would be dispensed with in the eight units, but, the speaker averred, no Indian would like to join those units, because he would not be able to rise to those posts he aspired for in his military service. 'If Indians during war-time after acquiring nine months' military training were found eligible for field service what difficulty is there to-day for the establishment of an Indian Sandhurst?' Concluding, the speaker said he was sure even the new Muslim group must have felt insulted on the Commander-in-Chief's announcement, because it was in direct contravention of the proposals enunciated sometime ago by one of their leaders, Sir Abdul Qayum. (Hear, hear.)

The motion was carried by 70 votes against 41 amidst nonofficial applause, Sir Abdul Qayum remaining neutral. The Assembly then adjourned.

## EXPORT DUTY ON BURMA RICE.

On the 12th MARCH voting on Budget grants was taken up. After Sir Bhupendra Nath Mitra had presented the Select Committee report on the Mines Bill, Maung Tok Kyi moved a cut of Rs. 100 as a protest against the export duties in Burma generally and the export duty on rice particularly.

Maung Tok Kyi said that the Burma rice-producer was suffering from the Blackett ratio and the ring of foreign exporters who controlled the rice market and on the top of it all from the export duty. The motion was withdrawn.

## MUSLIMS AND CUSTOMS SERVICE.

Mr. Anwarul Azim moved a token cut, urging adequate representation of the minorities and Muslims in all branches of the Customs service. He appealed to the Hindus to view the question in a conciliatory spirit.

The motion was finally put and carried without division.

## INCOME-TAX ADMINISTRATION.

Mr. Kelkar moved a token cut, complaining that the income-tax authorities in Bombay used a wide patronage in making indiscriminate appointments in the department.

Sir Basil Blackett promised to examine the matter with Mr. Kelkar, whereupon the motion was withdrawn.

Mr. Bhargava (Punjab) moved a token cut to ventilate the assessee's grievances against income-tax collectors, their arbitrary assessments and harassment. The motion was defeated.

## AN 'INJUSTICE' TO BENGAL AND BOMBAY.

Mr. Neogy moved a token cut to draw attention to the unfair working of the Devolution Rules which deprived Bengal and Bombay of their share of the income-tax revenue. The question was discussed at the recent Conference of Finance Members, but no relief was granted to the two provinces. The speaker concluded that it could not be outside the ingenuity of the Finance Member to devise some remedy for the grievance of the two industrial provinces of India. The cut was negatived.

## FOREIGN COMPANIES' PROFITS.

Mr. S. N. Haji moved a cut to urge proper assessment of the profits made by non-Indian shipping, insurance and banking companies in India. While the Indian concerns were assessed, British and foreign concerns remained unassessed in India. Even during the war, when pointed attention was drawn to the profits made by foreign companies and money was needed, the Government refused to levy an income-tax on those concerns. There was no reason why the Government should not compile figures of profits made by foreign shipping, insurance and banking concerns. The cut was rejected.

## INCOME-TAX IN UPPER BURMA.

Maung Tok Kyi moved a cut to protest against the extension of the Income-tax Act to Upper Burma four years ago and urged its remission in view of the poverty of the people to which Mr. Cooper had testified this morning. The cut was rejected and the income-tax demand was passed. The House then adjourned.

## Simon Commission Grant.

On the 13th MARCH Pandit Motilal Nehru moved a reduction of the miscellaneous grant by Rs. 3,40,000 representing the cost over the Simon Commission. He was cheered as he moved the cut.

Pandit Motilal Nehru held that it was not open to the House to grant the demand after its vote against the Commission. The House having once given its verdict, it was the plain duty of even those members who opposed the boycott of the Commission to uphold the dignity and honour of the House by throwing out the demand. Those who were the upholders of the constitution would support the constitution by voting with him alone. Moreover, Parliament must nurture its own child and must not foist its cost on India. It called the tune and must pay for the piper. Continuing, Pandit Motilal said if the House had accepted the Commission, its procedure and appointed its committee, there was some reason for them to vote the expenditure. Before proceeding further, he wanted a ruling whether he could go into the merits of the case.

The President ruled that no speaker was entitled to reflect on the decision of the House, and he would rule out any arguments in support, as otherwise the other side in fairness, would require an opportunity to reply.

Pandit Motilal Nehru thereupon concluded his observations.

Mr. CRERAR replying, amidst cheers, said that the discussion was necessarily restricted to a narrow channel. The House was invited by Pandit Motilal Nehru to embark on the agricultural operation of ploughing the sand, and he was glad to find Pandit Motilal Nehru in an unfamiliar role, asking the House to support the constitution. (Laughter.) The speaker too would urge the rejection of the motion on constitutional grounds. Nothing could be done without the intervention of Parliament who appointed its instrument. 'We must provide funds to enable that constitutional instrument to carry out its ordained operations.' (Applause.) Mr Crerar asked what was the alternative.

*Mr. Jinnah.*—Send them back (Laughter.)

*Sir W. S. Wilson.*—You would require money for that. (Renewed laughter.)

Mr. Crerar said they had heard of how the Congress committees had been adopting for weeks past fruitless expedients. (Hear, hear.) 'If we honestly, consistently and having regard to the practical facts of the case, desire something to be done, then is there any other alternative than the one which has here now been presented to us and for which the House has been asked to grant fund for investigation for the benefit of the country'?

Mr. Crerar concluded: 'I venture to point out that the Government, the Commission and the leaders of this legislature are not the only parties. I pointed out then, and I venture to point out again that there is a fourth party, the most important party whose interests ought to be paramount, namely, the country and the people of India (Applause.) If this House has the interests of that party at heart this motion will be rejected.' (Applause.)

Pandit Madan Mohan MALAVIYA referred to the gibe of the Home Member about the results of the All-Parties Conference and said when the Government had provided two years for the Statutory Commission it was unfair on the part of the Home Member to expect Indian politicians with no secretariat behind them to frame a constitution for 300 millions in a few sittings. Though they were groping in the dark they saw things more clearly, because they had a clearer conscience. The country unanimously protested against the constitution and procedure of the Commission and the Assembly having by a majority proposed against it, there was no reason for going back upon the decision by granting money. Of course there were a few who were siding with the Commission. They would not carry the Government very far. The Government might get a vote there and some demonstration there in favour of the Commission but the fact that black flags greeted the Commission in Lahore where the Government expected smooth sailing, clearly showed that the people protested against the Commission. No Indian who had the interests of the motherland at heart, could vote the money.

Mr. M. K. ACHARYA vigorously contested the Home Member's argument that the interests of the fourth party would be consulted. Representatives of that fourth party were in the Assembly, and they had decided to boycott the Commission. Lord Olivier himself had admitted that however limited the franchise, the Assembly did represent the people of India. The suggestion that the larger interests of the country ought to be considered was a reflection upon the elected members of the House which must clearly demonstrate its adherence to constitutional principles by voting down the grant.

Mr. JINNAH maintained that it was desirable to vote down the grant because Parliament had appointed the Commission without consulting the representatives of the people of India. All the political parties in India had protested against the constitution, and Mr. Jinnah ventured to say even those who were forced by reasons of their own to make the best of it, now protested against it. The Commission was detrimental to the interests of India, declared Mr. Jinnah. He added, that the very fundamental principle on which the Commission was appointed postulated that India was incapable of constitutional advance. The fourth party referred to by Mr. Crerar was the people at large. Barring a few *johukumists* and

funkeys, the country was for boycott and it was some persons of the fourth party who received stone hits and suffered the loss of a few lives recently.

*Official benches.*—Whose fault?

*Mr. Jinnah.*—Your fault; because you are imposing the Commission against the wishes of India. (Nonofficial applause). The Commission is said to be having a preliminary survey, but under police guard and with the help of the C. I. D., and the enforcement of the Penal law, like section 144. Is this the way to enquire into the future constitution of India? I am surprised that Sir Basil Blackett, who even walked out the other day with a shrug of his shoulders, agreed to bring this grant before the Assembly.

Munshi Iswar SARAN said that if the Home Member was surprised at Pandit Motilal Nehru's support of the constitution, the speaker was surprised to find the Home Member attacking the constitution. He hoped the Home Member would not forget Pandit Madan Mohan Malaviya and Mr. Jinnah who helped the Government at the War Conference. What was the use of bringing forward the argument of the fourth party? It was these leaders that Government would look to for support again.

Pandit Motilal Nehru's motion deleting the Simon Commission provision, was then put to the vote and carried by 66 votes against 59 amidst cries of *Bande Mataram* from non-official benches.

#### ADVISERS TO LABOUR CONFERENCE.

Mr. Joshi next objected to Government not sending advisers on the Indian delegation of the International Labour Conference. According to the constitution, the Government of India were entitled to send two advisers for each item on the agenda.

#### LEADERSHIP OF LEAGUE DELEGATION.

Mr. Joshi moved a nominal cut to protest against the non-appointment of an Indian as leader of the Indian delegation to the League of Nations.

The House divided and carried the cut by 76 against 45 and the demand under the head 'Miscellaneous' as reduced by these three cuts was carried.

#### INDIA OFFICE GRANT THROWN OUT.

Sir Basil Blackett then moved for a grant of Rs. 1,345,000 for the Secretary of State in England.

Mr. K. C. ROY moved that the demand be reduced by Rs. 13 lakhs.

Mr. Roy said that his object was to raise a constitutional issue to urge the progressive development of the powers of the Governor-General in Council and the Assembly by a corresponding reduction of the powers of the Secretary of State. The present Act gave the Secretary of State more comprehensive powers than were even enjoyed by the East India Company. The Indian political opinion, which in Mr. Gokhale's time looked to London for final appeal, had now veered round in favour of an increase in the powers of the authorities in India. At no time did the Secretary of State use his powers with more rigour than now.

Mr. Roy quoted instances in support of his contention. The new Reserve Bank Bill was dictated by the London city interests. The Secretary of State should have followed the example of the Milne commission and paid the entire cost of the Simon Commission from the British Exchequer. The Skeen Committee's report had been turned down by London. The Secretary of State should have, instead of sending a mandatory Navy Bill, allowed the Assembly control over the proposed expenditure, which power the House would not have abused. He held the Secretary of State to be responsible for the non-appointment of any Indian on the East African Commission. Indians had no voice in their foreign policy and the rejection of the Bray report on Frontier reforms was also due to the Secretary of State's orders. The India Council had outgrown its utility and the India Office was entirely alien in character. It had even rejected the proposal for exchange of officers with the Government of India. He finally urged the appointment of a competent committee to explore all possible avenues of increasing the powers of the Governor-General in Council and the Assembly.

Mr. M. K. ACHARYA moved that the demand be reduced to Re. 1.

He said that India did not want the India Office. Secondly, the India Office had been kept only to protect British interests. The Secretary of State's Council

consisted of diseased fossils and reactionaries who were consulted by the Secretary of State on all matters which suited him so as to strengthen Britain's hold over India. Moreover, the Publicity department of the India Office, like the Publicity department of the Government of India, had been conducting propaganda against India's progress. For instance, a statement was made by a member in Parliament that Miss Mayo was encouraged by the India Office in the publication of *Mother India* and the statement was not challenged.

Mr. Crerar, interrupting, reminded the House that 'the statement has been frequently denied on the authority of the Secretary of State on the floor of the Assembly'.

Mr. Acharya demanded proofs in support of the denial and, proceeding, maintained that the efforts of the India Office all tended towards misrepresentation of Indian opinion, not excluding the reception accorded to the Simon Commission.

Sir Basil BLACKETT pointed out that the Assembly was not asked to vote the salaries of the Secretary of State or the Under-Secretary of State but for expenses in connection with the agency charges in England. The effect of carrying out the cut would be that there would be no agency in England to carry out the various functions connected with Indian administration. If such cuts were carried to a non-existent figure, obviously the House was not discharging its powers in a responsible manner. The pity was that those who walked into Messrs. Srinivasa Iyengar's and Motilal Nehru's parlour always regretted after the event.

*Mr. Srinivasa Iyengar.*—Never.

*Sir Basil Blackett.*—The hon. member always disbelieves statements made by some of his victims.

*Mr. Srinivasa Iyengar.*—You are yourself the latest victim.

Sir Purshotamdas Thakurdas supported the cut because the Secretary of State was merely to discharge functions of superintendence and direction and control, for which he was paid from the British Exchequer. Why should he do also agency work, which would be done by the High Commissioner? There should be no two agencies for this work.

Mr. Joshi associated himself with the remarks of Sir Purshotamdas Thakurdas and particularly regretted the absence of Indians in the India Office which was a great injustice to India.

Mr. Acharya's amendment was carried by 66 votes against 53 and the grant of only Re. 1 was passed for the Secretary of State's agency work, amidst cheers,

#### CENTRAL BOARD OF REVENUE.

Sir. Basil Blackett next moved the grant for the Central Board of Revenue.

Mr. Moore (European group) proposed a cut of Rs. 100.

Mr. Moore said that the one most serious reflection on the Government was the existence of income-tax associations which helped the people not to evade the tax but to secure refund from the Government for taxes illegally and wrongfully collected. The unnecessary harassment caused to businessmen by income-tax collectors whose sole business seemed to be to extract every penny without regard to legality or morality. The agents of foreign firms found much difficulty.

The cut was thereupon put to the vote amidst cheers and carried by 51 to 41, Mr. Moore voting with the majority while other European members remaining neutral. The Central Board of Revenue demand was passed. The House then adjourned.

#### FRONTIER REFORMS.

On the 14th MARCH, the discussion on demands being resumed, Sir Basil Blackett moved that Rs. 88,71,000 be granted for the North-West Frontier Province administration.

Mr. Sarfaraz Husain KHAN (Swarajist) moved a cut to raise the question of reforms. The speaker traced the history of the movement originating with Sir Sivaswamy Iyer's resolution in 1921, the publication of the report of the Denys Bray Committee in 1924 and the passing of a resolution by the Assembly in 1926 demanding reforms for the province. Two years had again passed, but Government

had not taken any action on the report. They had waited too long and even an old man like himself was exasperated, what to speak of youngmen. It was a regular humiliation for the House. Did Government wish the Congress to declare independence of the country, as America did?

Sir Denys BRAY said that when Syed Murtaza Sahib raised a debate on the question in March, 1926, there was a conspiracy of silence. The speaker was afraid to meet the same conspiracy today. If Mr. Sarfaraz Hussain Khan wished to know the reasons which led Government to proceed with the utmost caution, let him turn to his own party and the other parties for reasons. The other day Lala Lajpat Rai had asked him whether the Government was aware that its indecision was causing friction between the Hindus and the Musalmans. Sir Denys Bray asked him if there was any decision that would not cause friction between the Hindus and the Musalmans?

*Lala Lajpat Rai.*—I will reply to that question.

Sir Denys Bray said he searched his memory in vain for any contribution on the subject from Lala Lajpat Rai.

*Mr. Shammukham Chetty.*—Is he the arbiter of the destinies of the frontier people?

Sir Denys Bray said he was one of the arch-conspirators of this conspiracy of silence. (Applause.) If Lala Lajpat Rai had a solution free from friction let him state it plainly. The Government would not turn it down lightly, provided always that it gave due weight to the essential all India aspect of the problem. Sir Denys Bray continued, since the last debate matters had not stood still. The detailed examination of the scheme had proceeded a great way. Yet the problem still bristled with difficulties regarding the financing of a necessarily deficit province, regarding the delegation of powers in a province where the all-India aspect is all compelling, the difficulties of preserving the central Government's control over those all-India aspects, the difficulties inherent in the essential inseparability of much of the cis-frontier business from the trans-frontier and difficulties communal in origin. Sir Denys Bray quoted Sir Alexander Muddiman's announcement that no definite decision had been arrived at, none would be arrived at or announced till Government were satisfied that they had come to the right conclusion and the moment for the announcement was ripe. Sir Denys Bray added: 'Those words remain as they were then.' Mr. Sarfraz Husain Khan made no reference to the all-India aspect of the problem. This was dealt with not merely in the majority report but received great prominence in the minority report.

*Mr. Shammukham Chetty.*—Ask Mr. Rangachariar what he thinks now.

Sir Denys Bray said that Mr. Rangachariar with an intellectual honesty wholly admirable made it quite clear that it was necessary implication of his proposal that there be a forward movement right up to the Durand line. That summed up one of the great difficulties of this case. True, since the debate, some difficulties in one area had lessened. Five years ago Waziristan was a blot on the military budget. Now Waziristan enters hand in hand with Baluchistan to illustrate Sir Basil Blackett's solicitude in the interest of nation-building from the stage of the Central Government. (Applause.)

Sir Denys Bray recalled that five years ago he made a fighting speech in defence of the Waziristan policy. 'Today I make no defence. The policy has made good. Indeed our very success blinds us to its magnitude.' Statistics spoke for themselves. In 1919-20 in Dikhan 155 persons were kidnapped, 262 killed, 61 wounded and property worth Rs. 10 lakhs was carried off. No one who had stood on the trans-border hills that breed more than they can feed and who had not looked down with imaginative hunger on the rich plains below could realize the magnitude of the task. Since then the policy had taken root—the policy of a big cantonment outside but dominating the Mahsud country with scouts and Khassadars from inside. All these forces were linked together by a central root. And the figures for 1926-27, compared with the ghastly statistics of 1920, were, none kidnapped, none killed, only one wounded and Rs. 2,300 worth of property and one Government rifle lost. (Applause.) Five years ago the tribesmen opposed the building of roads. Today they were clamouring for them even in their own areas. They were clamouring for more schools, for irrigation and for dispensaries, and in one best known village

they were even clamouring for a well-known lady doctor of Dikhan to set up in their midst. They have promised her house, furniture, up-to-date surgical instruments and even loots in the last Mahsud expedition. (Laughter and applause.) Even more significant was the spirit among tribes-women. Five or six years ago they were more reactionary than the men. They had now learnt to be keen on those little luxuries brought by the road by that great empire-builder, the Hindu merchant. They had learnt to value the security which the road and the policy brought to them. 'Five years ago when I spoke of this policy as a forward policy of civilization I was greeted with a laugh. Who laughs today? (A member interrupted.)

Lala LAJPAT RAI declared amidst applause that he was not opposed to the introduction of reforms. (Applause.)

Hindu-Muslim relations had greatly improved since the last debate and since the advent of the Simon Commission. The speaker claimed reforms for the frontier as their inherent right and not on the ground of services during the war. He had pleaded for this while in England before higher authorities recently, but Government evidently did not want to come to a decision. They always talked of the problem bristling with difficulties. In effect it was a negative reply.

*Sir Denys Bray*.—No.

And Sir Denys cleverly blamed the Hindus for the Government indecision, said Lala Lajpat Rai, which was causing bitterness between the Hindus and the Muslims in the province. The Mahomedans would have supported the Hindu plea for re-amalgamation with the Punjab in order to get reforms had they not been promised a separate Legislative Council; but now the Hindus were being blamed for the delay in arriving at a decision.

*Sir Abdul Qayum* interposed.—I was the first witness before the Bray committee and at the end of my statement I said that if no reforms were given to the frontier, amalgamation with the Punjab was the only alternative. (Hear, hear.)

Lala Lajpat Rai proceeding charged Sir Abdul Qayum with being responsible for the delay in obtaining reforms. He always praised the Government and never joined a popular cause. So long as he adopted the attitude of *non possumus* on popular questions and voted with the Government in the lobbies even on trivial matters there was no chance of his asserting his rights. The All-Parties Conference had decided in favour of the introduction of reforms on the frontier. The same was the attitude of Dr. Moonje. (Dr. Moonjee nodded assent.) Now the Foreign Secretary said that if the Hindus and Mahomedans came to an agreement that agreement would not be turned down lightly. The Government should allow the matter to be settled between the Hindus and Mahomedans and when they came to a settlement they must give effect to it unhesitatingly. The present administration of the province was rotten and was nothing short of lawlessness. Lala Lajpat Rai opined that the Hindus would fare better on the frontier under Muslim Raj than under the present lawless Raj. This was the attitude he wanted the Hindus to adopt on this motion. (Loud Applause.)

After several members had spoken the motion was carried.

#### JUDICIAL REFORMS FOR N. W. F. P.

Sir Abdul Qayum next raised the question that the judiciary in the North-West Frontier Province was understaffed. He emphatically pleaded for the strengthening of the judiciary. The sooner it was done the better for the Government, said Sir Abdul Qayum. The poor litigants had to traverse a distance of 50 miles in some cases for small suits.

Sir Denys Bray replied that the judicial reforms for the North-West Frontier Province were on the anvil and the moment the session concluded he would go up to the frontier for a personal discussion. The motion would strengthen him in his struggle with the Finance Member's successor.

Sir Abdul Qayum wanted to withdraw the motion, but the House declined leave and the non-official parties pressed the matter to the vote. The cut was carried by 53 to 44 votes, Sir Abdul Qayum remaining neutral.

#### ARMY DEPARTMENT DEMAND.

The demand was then passed and the Army department vote was taken up, which Dewan CHAMAN LAL moved be reduced by one rupee.



Mr. Chaman Lal, at the outset, regretted the absence of the Commander-in-Chief when this important question was being discussed. However, last year the Commander-in-Chief said, happy was the nation that had no history. Dewan Chaman Lal said, happy was the nation which had no army. The military expenditure in India was 47 per cent of the total revenues and the figure was unwarranted by either the political or military situation. But the expenditure was kept up for imperial reasons the Army being always kept at fighting strength for British imperial uses. If Soviet Russia had a heavy military expenditure it was due to that country being in perpetual fear of British aggression. But India had no reason for such fear. Why should India keep up an army? To bring down the expenditure two courses were open: raising a citizen army, as in Australia, which the Government would not agree to, or Indianising the army within a definite period as demanded by the Skeen report which had been turned down. According to the Commander-in-Chief's programme it would take 400 years to nationalise the army. At present the army was heavily weighted against Indianisation. Burke, during the impeachment of Warren Hastings, said that India was a kingdom of army officers who were being trained at India's cost, kept at India's cost and given pension from India's revenues.

Pandit KUNZRU showed that for the last 60 years, notwithstanding the repeated demands of the Indian people, not only nothing had been done for Indianisation of the army but steps had been taken recording a set-back in the position of Indians in the army. He challenged the suggestion that an Indian Sandhurst could not be established and held that the difficulties could be neutralised just as they had been in other dominions. He criticised the Government policy in not giving effect to the recommendations of the Inchaape Committee in various directions and pointed out racial prejudice in the Army.

Col. GIDNEY asked, what position the Anglo-Indian community would occupy in an Indianised army? The dearth of British boys in the army was due to the fact of higher wages being available in England. Government could get efficient lads from European schools in India. He too complained of racial distinctions in the army and instanced cases of the posts which when filled by men recruited in England commanded greater remuneration and other facilities than when filled by persons recruited in India.

Mr. GOSWAMI strongly protested against what he called a cowardly libel on India contained in the Commander-in-Chief's speech which challenged the efficiency of Indians while discussing the Skeen Committee report in the Assembly. The Commander-in-Chief had asked them to wait till public schools were established. The speaker knew what the result of public schools had been in England. The report of the committee on public schools was considered unfit to be disclosed. Indian educational institutions were sufficient to produce the desired kind of boys. This was evident even from the Assembly. An outsider could judge the debating capacity of Indian and European members. Even the *Pioneer* of Allahabad had condemned the Government for its benevolent arrogance and criminal culpability for exhibiting a phase of British regime. Even that expression, 'benevolent arrogance' would, in Mr. Goswami's opinion, be an euphemism if applied to the Commander-in-Chief's speech, because his Excellency did not hope to Indianise the army completely even till after three hundred years. It was arrogant for Britishers to claim to rule in India another three centuries. Empires of greater potency did not last so long.

The discussion had not concluded when the house adjourned.

On the 15th MARCH Mr. Macworth YOUNG, Army secretary, replied to the criticism of the various speakers. He said if the Army budget was the only charge on the central revenues the critics might say that cent per cent was spent on the Army. But they must take the provincial figures also, which brought the proportion down to 26 per cent. and, if they included the commercial services, the proportion was 18 per cent. He admitted that compared to other countries the proportion was high. But the reason was not that the Army was kept for imperial purposes but the nature of India's frontier and its vulnerability.

It was true that the cost of the army in a self-governing India would be less. One reason why the Army in India was expensive was the fact that British troops

had to be maintained. The proportion of British soldiers to Indian soldiers was matter for the experts to determine on strategical consideration.

Similarly, for the purpose of internal security, British troops were kept for strategical reasons. The experience of district officers was that once a disturbance broke out, it could be quelled by disciplined force, whether Indian or British. But he was speaking of the time preceding a disturbance. 'If you display British troops in time, there will be no disturbance. The lesser educated masses for one reason or other have confidence not in the appearance of armoured cars or machineguns but in British troops.'

A third reason for maintaining British troops was that they formed an integral part of the scheme of the Army in India. Mr. Young admitted that the Indian Army was composed of some of the finest material in the world. (Applause.) But there were duties which British troops could do better and others which Indian troops could do better. 'Those who have served in the Army know that one stiffens the other.'

There was one aspect of military expenditure for which the Indians themselves were responsible and it was a growing item of expenditure, namely, mechanical transport. Because of the absence of indigenous enterprise they had to keep the transport always at mobilization point. If private firms could run a kind of transport which would also be useful to the Government in times of war, the Government could make considerable economy and would be prepared to subsidize such firms. Mr. Young hoped that the Roads Committee would take up the question seriously.

Mr. Young told Mr. Kunzru that the Inchcape Committee's recommendation for a reduction in the strength of the infantry battalions had been carried out partly and would be fully carried out after the reserves had been formed in full strength.

Replying to the searching questions of Col. Crawford, the speaker said that Col. Crawford did not expect him publicly to own that the Army was not fully equipped for fight and attack. (Laughter.) But he assured him that the Government was trying in every way to see that when they went to the field they were short of nothing. (Applause.) The question of accommodation of officers differed from cantonment to cantonment. It had been exercising the mind of the Government for a considerable time and a solution was being found out. Mr. Young assured Col. Crawford that they were looking into the question of officers getting higher furlough pay in India than in England, which prevented their going 'home' on leave.

Dr. Moonje had criticized the absence of Indians on grass farms and dairy farms. The fact was that appointments in these services were subject to passing a promotion examination. It was only a question of time for Indians to enter these services, just as they were entering the Foreign and Political department and the Cantonment department.

As regards Col. Gidney's complaint, Mr. Young said that the Anglo-Indians were free to enter the commissioned ranks. Last time an Anglo-Indian cadet had been selected for Sandhurst. 'The anomalous position is due to peculiar circumstances. One result is that he sometimes has it both ways.' (Laughter.)

Lieut. Muhammad Nawaz Khan had urged the appointment of officers from the Territorial Force. The Government on this point accepted the Skeen Committee's observations that the force was not sufficiently developed for the purpose. But the proposal would be kept in view, if they saw a chance of its success.

Dewan Chaman Lal had stated that it would take 250 years to Indianise the Army. But Mr. Young asked why was it supposed that only 20 vacancies would be offered for ever. The Government only did not accept the Skeen Committee's time-table but their programme was progressive. They would watch the results and he hoped it was not unreasonable to wait for a year or two at any rate and see how the present proposal worked.

He assured Lieut. Muhammad Nawaz Khan that the Government considered the Viceroy's commissioned officers to be a very important source for the supply of

commissioned officers for the future national army and the Government would waive the condition of age-limit in the case of suitable material from this class.

As for a reorganization of the units on the British pattern, Mr. Young said the scheme was a gradual one. Eventually Indian officers must get an Indian pay, probably on the scale the British officer got in England. But they would not make a change in the case of the first three or four years' service.

Concluding, Mr. Macworth Young said that Mr. Goswami had eloquently asked the Government to be honest about granting self-government gradually. 'We think we are honest about it. We do not see how self-government can be attained by India gradually, unless you let us make a start. But what happens every time? On four occasions this year an attempt was made to have a start in the direction of self-government. On each occasion the attempt was repudiated in its initial stage for one reason or other. There was the case of a national bank, then the proposal to alter the constitution of India, then the proposal to lay the foundation of an Indian navy. The House was asked to confer on the Indian Marine Service equal status with the British navy and the navies of the Dominions. Mr. Chetty said it was something loathsome which he would not touch with a pair of tongs. Now what is the meaning of it all? The hon. members may be opposed to our method of setting about it. The Members opposite only criticize and vote.

*Pandit Motilal Nehru.*—Make way for us and see how we do it.

*Mr. Young.*—If they have real determination to go forward they will accept our proposals and make something of it. I admit our Army Indianization scheme is not likely to command the support of a certain section in this House. But it commands support among those who have made a study of the matter. I would appeal to all parties, whatever they think of our scheme on the Sandhurst Committee's proposals, to take it and make something of it. (Applause.)

Dewan Chaman Lal's cut in the Army department was carried and the reduced amount was sanctioned.

#### EXECUTIVE COUNCIL DEMAND.

The next head discussed was the Executive Council, the touring expense of members of the Executive Council being a votable demand.

This was objected to by Dewan Chaman Lal who moved a large reduction on the ground that there should be no square pegs in round holes, which he explained as meaning that members of the Executive Council, particularly the three Indian members, had lost the confidence of the people and the country, because they had woefully betrayed their trust. If the Indian members had any regard for public opinion, they should have resigned over the appointment of the Statutory Commission. The expression 'round pegs in round holes' meant no reflection on any member, but on the whole system of administration. On the question of Indianization of the Army, the Executive Council should have played their part and forced the acceptance of the Skeen Committee's report. If the report was true that Sir Muhammad Habibullah had dissented on the question of appointment of the Simon Commission, then why did not the other two Indian members make a similar manly stand?

Pandit Dwarka Prasad Misra, supporting the motion, also alluded to the fact of the non-resignation of the three Indian members on the Simon Commission issue. The Executive Council had played an ignoble part in the matter. He maintained that the government was responsible for the communal trouble in the country. Their policy was *divide et impera*. Even the *Pioneer* had condemned them for their arrogance. The arrogance was due to ignorance, as Sir Bampfylde Fuller had said.

Mr. Doraiswami Iyengar wanted to know how the Executive Councillors justified their touring expenses and to what extent the utility of their tours was reflected in the administration of the country. Did they go and see the condition of the people in the villages?

*Sir Basil Blackett.*—Yes.

*Mr. Doraiswami Iyengar.*—I want to know what extent it has been useful. What I find is that the tours are to a few places like Calcutta and Bombay where you are feted by the European chambers. The Railway Member should travel in

third class, and not in saloons, to know the discomforts of passengers. The Law Member visited Madras only to preside over the meetings of the Justice party.

The President asked the speaker to leave time for the Government to reply as the time for guillotine was approaching.

Mr. Crerar said that the item represented their touring expenses. He had not toured since the assumption of Home Membership. He hoped the members did not wish to deny him an opportunity of doing so.

As for the wider issue, he wished to disabuse Dewan Chaman Lal's mind about either the squareness of the Executive Councillors or the roundness of the holes which they occupied. (Laughter.) He would claim on behalf of the Executive Council that even during the session they had proved that they were carrying on their duties with a considerable measure of success. (Applause.) The first point was India's public finance. The Indian credit today stood high in the world markets. It must be admitted that it was not the budget of the country which was suffering from depression, from poverty or from the evils of maladministration. (Applause and 'oh' from the Swarajist benches.) Secondly, Sir George Rainy's Railway budget showed prosperous conditions and good administration. (Applause.) He claimed that considering the inherent difficulties of the case and the disabilities under which the Government of India laboured, the success achieved since the conclusion of the war was one of which the Government and members of the Executive Council need not be ashamed. (Applause.) The war had paralysed every country, whether combatant or otherwise. India had presented her own problems. India had successfully passed through the period. 'Am I not entitled to ask that some measure of credit be assumed by the public authority which was a party to taking most of the public decisions during the course of these years?' (Applause.)

As Mr. Crerar was proceeding, the President applied the guillotine and the vote for the Executive Council was reduced to Re. 1 by 58 votes against 53. The announcement of the result was greeted by the Opposition benches with cry of 'resign, resign'.

#### OTHER DEMANDS.

The other demands were then put one by one. All the demands were agreed to without division. When the Home department vote was put, cries of 'no, no' were persistently raised by a few, but when the President was calling a division, Mr. Srinivasa Iyengar appealed to the Chair not to divide the House and the demand was carried without division. All the demands were agreed to. The officials cheered, followed by counter-cheers from the unofficial benches. The Assembly then adjourned.

#### DISCUSSION ON FINANCE BILL.

On the 16th MARCH the Finance Member moved that the Finance Bill be taken into consideration.

This being agreed to, Mr. Jogiah moved that the salt duty be reduced to eight annas.

Mr. Doraiswami Iyengar wanted the salt duty to be abolished on Indian salt but kept on imported salt, and he urged the Finance Member to do this little thing before leaving the country, so that the poor people might thank him.

Mr. Sarfaraz Husain Khan wanted the duty to be reduced to Re. 1.

Sir Purshotamdas Thakurdas hoped that the Government had realised that the salt duty was considered as bad as the liquor duty imposed by local Governments. It starved the people and cattle of salt. One day the Government must face this question, though today the speaker could not support its reduction, in view of the budget position. Sir Purshotamdas wanted to know why Sir Basil Blackett had not circulated the report of the special officer on the subject of making India self-supporting in the matter of salt production and what decision the Government had taken.

Sir Basil Blackett, replying, said that he took personal interest to enquire into the effect of the salt duty in the first year of his Finance Membership. He found that the people would rather see money spent on education and sanitation, particularly as a reduction of the duty would mostly help the middleman. Sir Basil Blackett asked the members seriously to address their constituents, and if they

placed as alternatives the reduction of the salt tax or the acceleration of education and sanitation the people would gladly prefer the continuance of the salt tax.

Replying to Sir Purshotamdas' query, the Finance Member said that though the Government resolution on the subject of salt production was ready, months ago it was held up for a little important detail. He hoped it would be published soon. The conclusion which the Government had come to after careful consideration was that there was no *prima facie* case for a Tariff Board enquiry for making India as a whole self-supporting in the matter of salt. So far as Bengal was concerned it seemed almost inevitable that imported salt would always be more suitable and a great loss would be incurred without sufficient advantage by preventing imported salt from coming in there. That was the general conclusion which the resolution would announce. There were particular questions as to the possibility of the production of salt and encouragement of the industry in particular parts of the country. This question was being examined.

Sir Basil Blackett said that considering the standard of living the incidence of salt duty was low. Government had no doubt that it would be possible to produce first class salt in India. The difficulty was of organisation. Government had fully considered the question of a differential duty against imported salt. The Taxation Enquiry Committee had recommended that if a *prima facie* case was made out it should be referred to the Tariff Board. The reason why it was not referred was clearly that a *prima facie* case could not be made out. The Finance Member hoped that members would study the resolution which would shortly be issued on the report of the special officer. He could not encourage Mr. B Das that his locality would have the advantage of a differential treatment.

The House then passed the second clause retaining the salt duty at Re. 1-4.

#### INCOME AND SUPER TAX.

Discussion then began on clause 5 relating to income-tax and super-tax.

Sir Victor Sassoon moved an amendment for the inclusion of a proviso reading : 'Provided that no company shall be required to pay super-tax on revenues received as dividends from another company if super-tax had already been paid by the latter company'.

Sir Basil Blackett objected to the moving of the amendment on the ground that the Finance Bill only fixed the tax for one year while Sir Victor Sassoon's amendment, if carried out, would alter the income-tax law for all time to come.

The President ruled the amendment in order by putting a wider construction on the scope of the Finance Bill.

The Finance Member feared that the effect of the ruling would be that the whole of the income-tax law would be open for consideration.

*President.*—Then I would ask Government to be more careful in framing the preamble.

Sir Basil Blackett reiterated his objection to the amendment in connection with the Finance Bill and, proceeding, pointed out that Government would lose Rs. 20,00,000. There was an important case pending in court containing a point similar to the one raised by Sir Victor Sassoon. Why should Government give up the right of revenue by the tax and depend on what might come as subscriptions to loans? By passing the amendment the Assembly would be greatly increasing the danger to the creation of bogus companies.

The amendment was lost and clause 5 accepted.

#### POSTAL RATES.

Mr. Thakur Dutt Bhargava wanted the price of a letter to be reduced to half an anna.

Mr. Vidyasagar Pandya compared Indian postal rates to British rates and showed that the British rates were much cheaper as the weight of packet went up.

Mr. Mukhtar Singh said if the postal rate could not be reduced by 50 per cent, it should be reduced by 25 per cent.

Sir. B. N. Mitra said if these recommendations were given effect to not only would there be no surplus but there would be a deficit.

Government had in hand a programme of opening post offices in rural areas. This could not be given effect to then. In 1924-25 they opened 87 new post offices

and during 1927-28 the number would be 1,000. Furthermore Government wanted money for increasing the efficiency of the department and for the improvement of service conditions and prospects of postal employees. While saying that it would not be proper to separate the postal system from the telegraph he informed the House that on the telephone side he expected a profit of Rs. 4,00,000. The suggestion of Mr. Pandya meant relief to wealthy people which, he said, was strongly objected to by the nonofficials in 1921.

Sir Basil Blackett assured the House that the Government had no desire to make any profit from the working of the combined postal and telegraph department and that any surplus therefrom would be utilised for the reduction of rates or improvement in facilities and conditions of employees. The Finance department had no desire to appropriate the profit of Post and Telegraphs to general revenues. Concluding the Finance Member stated that the question of rates should be judged when the traffic could bear it and not in order to benefit one class or other.

The proposals of Messrs. Pandya, Bhargava, and Mukhtar Singh were rejected.

#### PRICE OF POST CARD.

Mr. Bhargava next moved that the price of the post card be reduced to one pice. He hoped the House would at least give this relief to the poor.

Sir B. N. Mitra, replying, said that if only his last year's speech was studied much of the misunderstanding and heat generated during the discussion would be avoided. He wished he could remove all the charges for the sake of the poor, but the fact was, as Mr. Birla had put it, he could not rob Peter to pay Paul. The department was not a benevolent institution. It was run on the principle of charging fee for services rendered, and if after due regard to development of the staff any surplus accrued it would be utilized for the reduction of postal rates. Now he could not accept the proposal which would mean a loss of a crore.

Mr. Bhargava's amendment was rejected, 35 against 47. The House adjourned.

#### THE FINANCE BILL.

On the 17th MARCH the House resumed discussion on the Finance Bill.

Chaudhari Mukhtar Singh moved that income-tax be charged in the case of a joint Hindu family when the total income was more than Rs. 5,000. He said the Hindus were not justly treated in the matter of income-tax and showed by instances that members of a joint Hindu family could be taxed even if its members earned less than Rs. 2,000 yearly. The motion was rejected.

Chaudhri Mukhtar Singh then moved two proposals that income-tax be charged in the case of a Hindu joint family when the total income was more than Rs. 4,000 and when the total income was more than Rs. 3,000. Both these motions were also rejected. The House divided on the second motion, 52 voting against and 47 for it.

Clause 2, the subsequent clauses, the preamble and the title of the Bill were then passed.

Sir Basil Blackett then moved that the Bill be passed.

Pandit Madan Mohan MALAVIVA opposed the passage of the Finance Bill. He maintained that barring the removal of the cotton excise duty, the Finance department had done nothing to improve the financial situation of the country for which they deserved credit. Taxation continued as high as during the war and had not been reduced even after so many years' continuous heavy taxation. Surplus budgets were the result of this continuously heavy taxation. The remission of the provincial contributions was not a circumstance for which the Finance Member could take credit. The exchange ratio of 1s. 6d. was passed despite the opposition of the popular representatives, because of the manoeuvres resorted to by Sir Basil Blackett. The Reserve Bank Bill, as brought forward by the Government was against the true interests of the country, and Pandit Malaviya felt relieved that the Bill was not allowed to be proceeded with. The Government made sterling borrowings in England in order to support the 1s. 6d. ratio. If they continued to borrow against the wishes of the people of India then that debt would be repudiated by the country.

Maladministration was not only in Finance, but also in the Army department Pandit Malaviya objected to the large number of British troops for the internal security of India and maintained that internal security could be better maintained with the help of Indian troops. The manner wherein the recommendations of the Sken Committee were turned down was a matter which would do no credit to England. When the average income of an Indian was only one-twentieth of an Englishman, India was made to spend Rs. 56 crores on her army when the Inchcape Committee had after careful consideration put down the figure at Rs. 50 crores. The basis of raising the army must be patriotism and if it was a question of mercenary army India was prepared to have one and he was sure there would be no chaos. He suggested the British portion of the army be reduced annually by 5,000 men and replaced by Indians, if necessary.

Concluding, Pandit Malaviya said that India's cup of misery was full and demanded an assurance from the Government that the grievances would be looked into.

Mr. Arthur MOORE said he did not realize until Pandit Madan Mohan Malaviya spoke that the Finance Bill was in danger of being thrown out and in order to prevent that the speaker recalled previous history. He said that though the Montagu Act was opposed by many the first Assembly built up a high reputation. Throughout the world the report went forth that the Indians were displaying an aptitude for parliamentary government and a sense of responsibility. In 1923 the ban was lifted by the Congress on Council entry and the Swarajists entered and Pandit Malaviya and Mr. Jinnah played into their hands and the Finance Bill was thrown out. But the reputation was partly retrieved by Pandit Malaviya and Mr. Jinnah refusing to repeat this vote in 1927.

Then he asked : Should they repeat the mistake of 1924 ? He also blamed the Government partly, particularly over the non-acceptance of the salt tax vote of the Assembly in 1923. The position now revealed a conflict in which the Opposition repeated irresponsible votes and the Government went its way caring little what happened in the Assembly. Mr. Moore was most concerned that if the Finance Bill was thrown out then the question that would come up for consideration would be whether or not parliamentary government was feasible in this country. He appealed earnestly and sincerely against this course.

Pandit Motilal NEHRU said it was painful to listen to Pandit Malaviya's speech because neither the Government took Pandit Malaviya seriously, nor arguments were likely to influence them. He might as well have addressed these arguments to stone figures.' (Hear, hear.) Mr. Moore had stressed the exploits of the first Assembly which made the reputation of India which was lost by the throwing out of the Finance Bill in 1924 and regained partly by Swarajist work in committees. Pandit Motilal Nehru did not know whether the tone of Pandit Malaviya's appeal suggested that he wished to vote the Finance Bill down, but Congressmen would be glad of the assistance of any party in this direction.

As regards the reputation Mr. Moore had spoken of he had heard opinions from public men, both in England and other countries of the world. There was no one who blamed us for our action. They only said that the only effective thing was to follow our action with a revolution, for which we have been finding difficulties. The whole point of throwing out the Finance Bill is that with self-respect we should be no party to granting supplies, and as the money is at the disposal of this House and when it refuses to grant and yet the Government take it, that is called robbery in law. (Hear, hear.) Pandit Motilal Nehru said that at one time he too believed the British Government's assurances but the march of events convinced him that the British Government were never serious about the grant of responsible government. There were some who said a free India would be a greater asset to the British Empire, but they forgot that the Government were doing everything to make such a happy development impossible. Lord Birkenhead in a speech recently had openly admitted that the whole prosperity of Britain, the whole future of the Empire was linked with the possession of India. India could not, therefore, ever expect to get even dominion status out of Britain's free choice which meant working for freedom separate from the Empire. Pandit Motilal Nehru held that if an open competition between Englishmen and Indians in the army and other services on terms of equality

was held Indians would outdo the British. (Applause.) As regards the *New Statesman's* charge that if the British withdrew tomorrow the Nehrus would disappear in impotent obscurity, Pandit Motilal Nehru said: 'Our highest ambition is to be buried in the foundations of a free India and that the edifice of freedom of India will rise on our bones.' (Applause.)

Mr. C. S. Ranga IYER said that the Assembly was no more a parliament than the preparatory school at Dehra Dun, the Indian Sandhurst. If taxation without representation was robbery, taxation with certifications was dacoity. The Swarajists were out to dig out the foundations of a mock parliament. Mr. Ranga Iyer referred to the cases of detenus who were put in jail without trial.

Mr. Iyer said the case of the ex-Maharaja of Nabha was a pathetic one, proclaiming as it did that even a prince had no liberty more than a plebian. He had been interned under Regulation III of 1818 on the alleged ground that he had been disloyal to the Government. Administration in the Indian states would have been far better if the British Government had not put obstacles in the way of their progress. There could be no Swaraj in India so long as Indian states were kept as buffer states, or as various Ulsters.

Mr. Ranga Iyer accused the British Government as being the cause of spreading communal virus, and asked why they did not punish communalists in the same manner as they treated politicians even of the non-violent order. Why had there been withdrawal of prosecutions against communalists whilst politicians were vindictively punished? The policy of Sir William Marris was definitely to give insidious support to communalism in the United Provinces. If in spite of all these injuries India did not turn revolutionary it was because it had been accustomed for centuries to suffer. But even a trampled worm will turn.

The Assembly, then, adjourned.

On the 19th MARCH, resuming discussion on the Finance Bill, Sir Victor Sassoon regretted the position that the Government had been beaten so often in the lobby that they had ceased to care even for their mistakes. Thus, because of the continued Swarajist gestures, Sir Basil Blackett had paid no attention to the constructive suggestions made by the speaker during the Finance Bill debate. No Government would treat the members of the House in this way without the slightest regard to the opinion of the House, unless the Government could prove that the House never listened to arguments, reasons or logic. Sir Basil Blackett by walking out and walking in (laughter) and other attitude had shown that he was non-cooperating with those who criticised constructively.

And to the speaker's surprise Sir Basil Blackett had discarded his criticism of the Central Board of Revenue by remarking that all the criticism proved the efficiency of this department. The Government should, on the other hand, encourage the members to develop their criticism. In this connection the Government front benches would do well to let the provincial official members on the back benches specialise in the various subjects. (Hear, hear.) As it was, these members, but for a little exercise in going into the lobby to record their votes, would be suffering from an atrophy of their physical as well as mental powers. (Applause.)

Concluding, Sir Victor Sassoon wished Sir Basil Blackett good fortune and good luck. (Applause.) Though Sir Basil Blackett was the speaker's political opponent, the speaker remarked that Sir Basil Blackett had done according to his lights what he thought was in the best interests of India. (Applause.) Time alone would show whether Sir Basil Blackett's decisions were wise. Sir Basil Blackett was by no means a sun-dried bureaucrat or a reactionary. Sir Basil Blackett was a friend of those who stood for the constitutional freedom of India and his departure would be, therefore, a distinct loss to India. He did not think that India realized what a good friend she had in Sir Basil Blackett. Sir Victor Sassoon offered his sincere tribute of admiration to Sir Basil Blackett for his ability and charming individuality. (Applause.)

Lala LAJPAT RAI said that Mr. Crerar had the other day brought out an argument about the fourth party. The speaker's experience of the Parliaments of other countries was that their chancellors of the exchequer paid special attention in their budgets to the discussion of the economic conditions of the masses,



their food, their health, their housing. But not a word was uttered on the subject by the Finance Member or any member of the Government. And yet they said they were the guardians of the interests of the masses. Mr. Harold Mann, lately director of agriculture, Bombay, had stated that the problem for the bulk of Indian agriculturists was how to fill their empty belly. The American states spent 39 per cent. of their revenues on education. Miss Mayo had correctly stated of the educated Indian boys : 'Give us office or give us death.'

Continuing, Lala Lajpat Rai said to the officials : 'There is great danger for you, there is great danger for us. If things go on like this even the Himalayas will not prevent Bolshevism coming into India'. He asked the Government to abolish the House if they did not care for its opinion. The Statutory Commission was continuing its enquiry and was proving its impartiality by congratulating a Sikh loyalist because he had defeated an Akali and its capacity for observation by ignoring black flags and accepting reception from flunkies and calling it wonderful.

At this stage closure was applied successfully.

Sir Basil BLACKETT spoke for 45 minutes and made a remarkable speech. He said both financial and political issues had been raised in the debate. He thought he had given a convincing reply previously to Sir Victor Sassoon regarding super-tax, but admitted that he (the speaker) was mistaken in the instance of the case he had quoted previously.

Sir Victor Sassoon's suggestion to find employment for the unemployed members on the Government benches had appealed to the speaker and the Government would note it with interest. He was surprised at Sir Purshottamdas Thakurdas' reference to the question of cash certificate liability. The practice observed in India was similar to that observed in England. He drew attention to it, because he did not wish that India should let a larger liability grow up than was desirable and was glad that he had brought it to notice rather than leaving it to his successor.

As for sterling borrowing, its proportion to the total debt was 66 per cent. in 1913 and 46 in 1927 and between 1923 and 1927 they had purchased railways at a cost of over 20 million pounds. He claimed it as something of an achievement that external borrowing was resorted to only in the first and last years of his membership. (Applause.) He hoped it would be possible always to avoid external borrowing. But so long as they had an annual productive capital programme of over 40 crores, it might be necessary from time to time to undertake a reasonably small borrowing outside. But if the amount of external borrowing was growing, it would be wise to reconsider the question whether the present capital programme should be curtailed.

Lala Lajpat Rai had raised the economic question. The speaker's previous budgets had referred to the topics mentioned by Lala Lajpat Rai. Sir Basil Blackett said it was clear that great poverty existed in India, both in urban and rural areas. But the remedies were not so clear. Those who said that the Government did nothing to improve the economic condition of the people would profit by reading a pamphlet on the uplift movement written by the deputy commissioner of Gurgaon who with his wife was doing everything to improve the state of affairs in his district (Applause.)

Sir Basil Blackett continued :—'I do not want to be provocative, but I may claim that there are few countries in the world where the economic progress has been greater than in India in the last two or three decades. (Applause.) Undoubtedly the start is from a very low standard and that accounts for the pace at which the improvement is taking place. Compare the Punjab of 30 years ago to the immense improvement in the economic conditions of the people today. And the results of canal colonisation today are only a small instalment of what is going to result if success attends the big irrigation schemes in the Punjab, Sind and Madras.'

Mr. Jamnadas Mehta's anger at the present Finance Member, continued Sir Basil Blackett, had blinded him to the facts. Sir Basil Blackett gave statistics to show that the percentage of boys in schools had risen in 1926 by 48 per cent. compared to 1913.

*Pandit Malaviya.*—What percentage of the school-going population ?

*Sir Basil Blackett.*—I am trying to refute the statement that the Government are doing nothing.

The speaker said the deposit in cooperative banks were in 1913 *nil*, in 1923 8½ crores, in 1927 18¾ crores. The savings in deposits in 1913 were 20½ crores, in 1923 23¼ crores and, in 1927 32 crores. Cash certificates which in 1923 were 4 crores, in 1927 had risen to 40 crores. The commercial bank deposits had risen from 92 crores in 1913 to 190 crores in 1923 and 209 crores in 1927. The production of iron ore was 391,000 tons in 1913, 821,000 tons in 1923 and 1,545,300 tons in 1925. (Applause.) While up till 1923 all stamps and currency notes were printed in England at an annual cost of £200,000, they would print the whole of these from this year at Nasik with Indian labour. (Applause.) Thus, since the beginning of the twentieth century there had been very striking economic progress.

*Dewan Chaman Lal.*—How much does an average man eat and work ?

Turning to the Swaraj party, Sir Basil Blackett said Pandit Motilal Nehru's speech was the most clear statement that had yet been made in the House of the position of the Swaraj party and, though essentially uncompromising, it was a most moderate statement. (Laughter.) The Pandit had agreed with Lord Birkenhead that for political, economic and strategical reasons India was essential to the British Empire. Sir Basil Blackett agreed with the Pandit, though it was possible to make out an equally strong case that for economic, political and strategic reasons the Empire was needed by India. The Pandit had said that human nature being what it was the British Government were unlikely to yield to Indian opinion and that cooperation would be fruitless. His friends in England, on the Continent and in Russia had approved of that policy but suggested that revolution was the only logical step. The Pandit had, however, stated that revolution was hopeless under the present conditions. Thus the Pandit's counsel was one of hopelessness for the time being and probably the Pandit's remedy was that in some moment of danger, in some moment of weakness, the British Government might be forced to concede to India what India could not get today by revolution.

Sir Basil Blackett contended that the Pandit was profoundly mistaken. The August (1917) declaration was sincere. It was not a war measure but was possibly accelerated by the war. 'It was not, I maintain, a concession wrung by politicians from the unwilling British Empire but it was a generous recognition of the great services rendered by the martial races of India at the stricken battlefields of the world. (Applause.) It was not a war measure, but was an expression of two factors fundamental in the British position towards India, namely, economic and political—economic because the greatest interest of Great Britain in India is that India should be economically strong and prosperous, because she wants trade with India. There is also a political motive that goes deeper. Somebody was referring this morning to Warren Hastings and his impeachment. The British Parliament has been perfectly consistent in one line of thought. It has felt that there was danger to the liberties of Great Britain in the existence of an autocratic Government controlled by the British people, that ultimately the liberties of Great Britain would be in danger if something could not be done to limit the existence of autocracy in the Indian Empire. That was the motive behind Burke's speeches in the impeachment of Warren Hastings. And that was the motive behind the announcement of 1917.

'I maintain, therefore, that Pandit Motilal is quite wrong in his reading of human nature. I do not claim that the British action has been altruistic. I claim it is both economic and political. Britain wants India to be an economically strong and prosperous country and as such India must become politically strong and that is why Great Britain feels that India should somehow or other be helped to advance on the road towards self government. (Applause.) I think I may claim sufficient knowledge of the British people to say that even if Pandit Motilal and his friends do not assist us, the British people will continue their course because they must. (Applause.) I would put it even to Pandit Motilal that as he admits that he cannot have a revolution, would it not be wiser till he has an opportunity of doing so to take part in the evolution, which would at any rate

help him one stage nearer towards self-government or towards the methods he wishes to adopt?

Turning to Pandit Malaviya Sir Basil Blackett associated himself with his tribute that the late Mr. Montagu was a great friend of India. (Applause.) 'I will ask him to honour the memory of Mr. Montagu, to work the constitution and vote for the Finance Bill.'

Sir Basil Blackett agreed with Mr. Ranga Iyer that the best part of Pandit Motilal's life was spent in cooperating with the Government. (Laughter and applause.) The constitution could be reduced to mockery by a persistent and permanent majority. Such danger threatened in 1921, but the opposition fortunately collapsed. It was about to be revived now for reasons which were obvious. His predecessor as leader of the House had stated that he was looking for the moment when he could report that dawn was at hand. 'I cannot report that dawn is at hand. I hope my judgment is covered by momentary happenings and that my successor will report that the dawn has set.' (Applause.)

Sir Basil Blackett did not agree with Mr. Srinivasa Iyengar that a constitutional deadlock had been reached, because the constitution provided for dealing with the situation that had arisen. The Congress party was of course going to vote for the rejection of the Finance Bill. But when he listened to Lala Lajpat Rai and Pandit Malaviya, he thought they regarded that the main object of the existence of their party was to keep the Swaraj party to its profession, (Laughter.) The Finance Bill had been considered, discussed clause by clause and adopted and having voted supplies and approved the contents of the Bill, the House must pass it. 'However desirable it may be to make another gesture, this gesture will not so much hurt the Government as it must hurt the Assembly.'

The motion that the Finance Bill be passed was then put and carried by 61 votes to 41. The Government benches cheered at the result. The Swarajists then withdrew from the House.

#### MERCHANT SHIPPING BILL.

After the Finance Bill was passed, Sir George Rainy (Commerce Member) moved for the consideration of the Merchant Shipping Bill, as reported by the select committee. The principle of the measure was centralising the administration of ports, but the committee had inserted a new clause based on section 79 of the Act empowering the Government to appoint advisory committees and saying that as regards the composition and powers of advisory committees the Government should consult the mercantile opinion. Sir George Rainy promised to do this when the Bill was passed.

The Bill, as amended by the committee, was passed without alteration.

#### TARIFF BILL.

The Tariff Act (Amendment) Bill was under discussion when the House adjourned.

#### NON-OFFICIAL RESOLUTIONS.

On the 20th MARCH the Assembly's proceedings were once again in the nature of an anticlimax to the previous day's excitement. The Swarajists had walked out and Government members too seemed in a holiday mood. Mr. K. C. Neogy was in his best form in asking for an inquiry by committee into the 'grossest form of falsification' of accounts disclosed by the affairs of the Sambhar salt improvement scheme. He did not wish to be content with the auditor-general's technical certificate that there was no fraud but wanted to look behind the scenes. He confronted the Finance Member with charge after charge and challenged the Finance Member to contradict him.

The demonstration was very effective because the Finance Member could only retort: 'I don't accept anything'. However he too in the end yielded to the need for enquiry at least by the Public Accounts Committee, and though the resolution was lost Mr. Neogy's point was gained.

Mr. Sarvottam Rao championed the cause of Indian antiquities and on a satisfactory assurance from Mr. Bajpai withdrew his resolution.

Mr. Haji Abdoola Haroon was absent but Mr. Mukhtar Singh moved the resolution to find out the extent of surplus yielded by the sugar duty since the

amendment of the tariff schedule in 1925. The resolution was very important to a section of the House and a defeat could not be risked. So advantage was taken of the thinness of the House to point out the absence of the quorum which made the Assembly adjourn. In fact the quorum did not exist even earlier in the day but the Deputy President, Maulvi Muhammad Yakub secured it by ordering the bell to be rung. This enabled the resolutions to be discussed and the last one to be moved and it was the Deputy President who later from his seat in the House moved adjournment for want of a quorum.

On the 21st MARCH when the Assembly met attendance was very thin, but the first division brought in members and the attendance considerably improved. The Swarajists were in their seats today.

#### TARIFF AMENDMENT BILL.

Sir George Rainy's Tariff Amendment Bill was further considered.

Chaudhri Mukhtar Singh opposed the reduction of the duty on currants and was not influenced by the consideration that thereby they would get the best treatment from Greece. Sir George Rainy explained that the new agreement with Greece, in fact, made India give up very little and gain substantially in the matter of the piecegoods trade. Sir Victor Sassoon congratulated the Government on behalf of the Bombay mill-owners.

Chaudhri Mukhtar Singh's amendment was withdrawn.

Sir Walter Willson opposed the proposed distinction between white Portland cement and others.

Sir George Rainy said a specific duty could not be indiscriminately applied to articles bearing the same name without reference to the price of the commodity.

Sir Basil Blackett pointed out the change from *ad valorem* to specific duty which really reduced the duty on this class of cement to  $7\frac{1}{2}$  instead of 15 per centum *ad valorem*. It seemed obviously desirable to modify it now.

Sir Walter Wilson's amendment was rejected by 25 votes against 45.

The Tariff Bill was passed.

#### STEEL PROTECTION BILL.

Sir George Rainy then moved the consideration of the Steel Protection Bill.

Sir George Rainy at the outset announced that the Government of India after full consideration had accepted the changes made by the select committee to the Steel Protection Bill, namely, that there should be no more protection to the wagon industry than was recommended by the Tariff Board. Sir George Rainy summarized the objections advanced in the select committee and said these deserved very serious consideration. Then there was an additional argument that without strong reasons the Government should not give protection beyond what was recommended by the board. But his minute of dissent to the select committee was based on one consideration, namely, as to what would happen if the wagon industry in India refused to accept an order at the maximum price which the Government considered reasonable. Indeed, it was this contingency that made the Government propose increased protection in the Bill. That danger still existed in the Bill as recommended by the select committee. On the other hand, the Government recognized that if they should follow the plan recommended by the board, it should be possible usually to avoid that danger. The Government's guiding principle would be to add  $12\frac{1}{2}$  per cent. to the price of 1925-26, but the responsibility for fixing a reasonable price was not fixed on the Government and not shared by the Assembly.

As regards the bounties paid for the manufacture of rolled steel, it appeared difficult to devise a formula which would enable the legislature also to take its responsibility in the matter. If there was a strong desire that this should be brought forward in the next session of the Assembly the Government would certainly consider one. The Government would be content to accept the decision of the select committee that the duty on wagons and underframes and their component parts should not be increased and in determining what was the reasonable price to pay for wagons made in India the Government would take into account the prices paid in 1925-26. They would treat the  $12\frac{1}{2}$  per cent addition as the general guide, but

would have also regard to the variations in the world price of steel and the total volume of the orders to be placed for the year and the size of orders for particular type.

The Bill was then passed clause by clause without amendment and then Sir George Rainy moved that the Bill be finally passed.

During the third reading Mr. Kelkar urged concessions for the nuts and bolts industry.

Mr. Neogy asked if the conditions for protection would be adhered to, namely, rupee capital, a majority of the directorate to be Indians and whether the material used in the manufacture was mainly Indian in origin, were fulfilled.

Mr. Joshi fearing the possibility of combines among wagon manufacturers urged the policy of wait and see.

Sir Walter Wilson said the policy of protection should be such as would not carry the conditions too far as to nullify it.

Sir George Rainy assured the House that there need be no fear. The conditions of protection would be adhered to and orders would not be placed with any firm which was not eligible to receive bounties under the Steel Protection Act.

The Bill as amended was passed.

#### TERRITORIAL FORCE BILL.

Mr. Macworth Young moved the consideration of the Territorial Force Act Amendment Bill as passed by the Council of State and reported by the select committee. He said the Government accepted in principle the proposal of the formation of urban units in all Governors' provinces. Previously, the proposals were received from three provinces only and now the recommendation for an urban unit in Calcutta had also been received and was the subject of discussion with the local Government. If the local Government recommended and as soon as funds permitted this urban unit would be formed. The same would apply to other provinces who would apply for the formation of units. The Army secretary further announced the acceptance of the proposal that as in the case of the Auxiliary Force a boy between 16 and 18 would be allowed to enrol as a cadet in the Territorial Force without liability for military service. The select committee also recommended the formation of a central advisory committee to advise the Government on matters relating to the administration of the Territorial Force. This recommendation, too, the Government accepted and a committee would be appointed. It was not necessary to provide this in the Act as unlike provincial advisory committees the central advisory committee would be purely advisory and help generally in the administration.

Pandit Hirday Nath Kunzru dwelt at length on the liability for military service and expressed his agreement with Dr. Moonje who had tabled a motion that the liability of the Territorial Force be reduced and limited to the confines of India. For, if the Government were unable to accept the view of the Shea Committee with regard to the liability of the Auxiliary Force there was no point in asking that the Territorial Force be used for general military service.

Mr. Kunzru urged the Government to establish at least one urban unit in order to provide reasonable facilities for enrolment to all persons wishing to join these units. He further wanted an assurance that boys between the ages of 16 and 18 would not be liable to military service. Continuing, Mr. Kunzru pleaded that there would be no arbitrary limit for the expansion of the University Training Corps, nor any distinction between the officers of the junior and senior class.

Dr. Moonje held that one of the features of the Bill was the creation of an urban force, but when the rural units could serve beyond the frontier why should the urban units be restricted to inland service only? This was invidious discrimination and he urged that there should be general liability for all. When there was any foreign concerted action to invade India they should be the first to cross the frontier and defend India and there would be no distinction between the Territorial and Auxiliary Forces. He regretted that 61 lakhs of rupees were spent annually on the Auxiliary Force which had no military value whatever, while the Territorial Force cost only Rs. 29 lakhs. Why not trust the Indian civil population and let them possess arms for defending themselves and their property, asked Dr. Moonje.

The motion to consider the Bill was then passed and the Bill was discussed clause by clause.

During the discussion, Mr. Mackworth Young informed Dr. Moonje that provision would be made by rules that boys between the ages of 16 and 18 be not liable for general military service.

Dr. Moonje proposed that the territorial force units should not be liable for military service outside India unless a cadet desired.

The Army secretary pointed out that no racial question was involved. It was purely a practical question. The motion was defeated by 38 votes against 48.

Dr. Moonje's suggestion for a statutory provision for an advisory committee to advise the Government in all matters relating to the Territorial Force was accepted by the Government amidst applause.

The Bill as amended was finally passed. The Auxiliary Force Bill as passed by the Council of State and amended by the select committee was passed.

#### INDIAN SUCCESSION BILL.

On the 22nd MARCH non-official bills were taken up by the house. The Swarajists were again absent. The Assembly passed without discussion Maulvi Mohamed Yakub's Bill amending the Indian Succession Act, which seeks to amend the law with a view to bring it in conformity with High Court rulings.

#### COASTAL TRAFFIC RESERVATION BILL.

The House next decided to circulate Mr. Sarabhai Haji's Bill to reserve the coastal traffic of India to Indian vessels.

#### SPECIAL MARRIAGE ACT (AMENDMENT) BILL.

Sir Hari Singh Gour moved that his Special Marriage Act (Amendment) Bill be referred to a select committee.

Sir Hari Singh traced the history of the measure and said that Sir Henry Maine in 1868 had suggested that the Council should provide a secular marriage law for all Indian subjects. Since then various attempts to provide the country with a civil marriage law had been made. His previous measure enacted in 1923 had legalized marriages between Hindus, Jains, Sikhs and Buddhists. His Bill before the House proposed to legalize matrimony irrespective of caste, colour or creed. Today the country suffered from territorial disability as the parties could marry under the British Civil Marriage Act outside the territorial waters of India. The Bill, if passed, would eliminate communalism from India and unite India into a nation.

Mr. Anwar-ul-Azim saw an attempt to tamper with his faith in the Bill and asked the House to leave the Mussalmans alone.

Mr. Yamin Khan held that the Bill provided a *via media* and was not anti-Islamic in nature. Razing the caste barriers to the ground and providing a way to unite two loving souls, irrespective of caste and creed, was regarded as high morality and a solution to Indian freedom. Akbar, a great nationalist, had set an example, but unfortunately caste-ridden India did not follow him then. He favoured circulation of the Bill.

Mr. Crerar, Home Member, moved for circulation of the Bill and assured the mover that the Government was not hostile to the Bill but had grave doubts whether the Bill would be effective in achieving the purpose of the author and whether the select committee could so entirely change the character of the Bill. Finally, the diversity of opinion shown in the House was bound to be reflected in the House and the specific communities concerned must be consulted.

Mr. Yakub thought the Bill was against the tenets of the Holy Koran as the Mussalmans were prohibited from marrying persons professing non-unitary religions. The Bill evaded the Islamic marriage law, though the issues of the parties would get the full benefit of the Muslim law of inheritance. He warned the Government against the consequences of the Bill.

Rai Sahib Harbilas Sarda quoted instances of Hindus marrying non-Hindu wives including that of Miss Miller in support of the Bill.

Sir Hari Singh Gour replying, requested the Government to expedite the circulation of the Bill and said that the proposed committee on Child Marriage Bill might also conduct this enquiry.

The House accepted the motion for circulation of the Bill.

#### HINDU LAW OF INHERITANCE.

The House next agreed without discussion to pass Sir Hari Singh Gour's Bill which sought to revive the late Sir T. V. Seshagiri Iyer's Bill passed by the Assembly in 1923 which had lapsed in the Council of State. The Bill removes certain disabilities which exclude Hindu heirs from inheritance, such as congenital blindness, deafness, etc.

Sir Hari Singh Gour's Bill amending the Divorce Act and Mr. Joshi's Bill amending the Indian Penal Code to grant immunity to unregistered labour unions, which was at present enjoyed by registered unions only, were both circulated for eliciting public opinion after Mr. Crerar and Sir B. N. Mitra had stated that the Government had serious objections at present to the principles of the Bills.

#### DIVORCE FOR HINDU WIVES.

The House next allowed the introduction and circulation of Sir H. S. Gour's Bill which proposed to entitle a Hindu wife to secure dissolution of marriage in case of impotency, imbecility or serious or ulcerous leprosy of the husband.

Sir H. S. Gour said that the Bill would have the effect of merely restoring the old law laid down by Narad and Vashishtha in their Smritis.

#### SEAMEN'S RECRUITMENT.

Mr. Abdul Matin Chaudhury's Bill amending the Merchant Shipping Act to give effect to the Seamen's Recruitment Committee's proposal regarding recruitment of seamen was circulated.

#### LIFE ASSURANCE COMPANIES ACT.

Mr. Kelkar introduced a Bill to repeal section 33 of the Indian Life Assurance Companies Act for putting certain foreign life insurance companies doing business in India on a footing of equality with others by withdrawing the special facilities now granted to them under this section.

Sir H. S. Gour next moved a Bill to alter the order wherein certain heirs of a deceased Hindu dying intestate are entitled to succeed to his estate. This also is a revival of the late Sir T. V. Seshagiri Iyer's Bill, which the Assembly passed in 1923 but which lapsed in the Council of State.

The Bill was introduced, considered and passed by the House today without discussion. It lays down that son's daughter, daughter's daughter, sister and sister's son shall in the order so specified be entitled to rank in the order of succession next after father's father and before father's brother. The Assembly then adjourned till Monday.

#### CHILD MARRIAGE BILL.

On the 26th MARCH Mr. Harbilas Sarda moved that his Child Marriage Bill, as reported by the select committee, be recirculated for eliciting opinions thereon.

The Bill, as reported by the select committee, makes marriages below the age of 14 in the case of girls and below 18 in the case of boys of all communities punishable.

During the six months that the Bill was before the public, said Mr. Sarda, it had received almost unanimous support from all classes of society throughout the country. The select committee had dropped the clause relating to the invalidity of child marriages and had made it a penal measure. The Bill had been made applicable to all communities in India. He acknowledged the assistance given by the Home Member and the sympathetic attitude of the Government.

Mr. Crerar said the measure had the support of the Government as the Bill was on sound lines.

Mr. Acharya opposed recirculation and wanted its re-introduction as the Bill had been considerably altered by the select committee. He, representing a large and influential section of Sanatanists, was opposed to any measure which furthered social reform by penal legislation. The Government had no right to interfere in the religious customs of the people. If they did and disregarded the opinions of millions of people, the latter would revolt against the Government.

Maulvi Mahomed Yakub supported the Bill, the provisions of which he was glad applied to all communities. He said a large number of learned Hindus believed that this Bill did not interfere with their religious tenets.

Mr. Yakub congratulated the mover on bringing forward the first social reform Bill in the Assembly and the Government on their attitude towards it.

Sir Hari Singh Gour said medical opinion agreed that about 80 per cent. of girls in this country did not attain puberty before the age of 14 years. Therefore the age limit recommended by the Bill was right. He did not agree with what Mr. Acharya had said. On the other hand he opined that legislation which would prevent infanticide and matricide would be received by the people with a chorus of applause. The motion was carried.

#### OTHER LEGISLATIVE BUSINESS.

Mr. Kelkar moved that his Bill to repeal the Caste Disabilities Removal Act of 1850 be circulated for eliciting opinions.

The object of the measure, said Mr. Kelkar, was that one who became an apostate should not be entitled to inherit his father's property.

Mr. Crerar, Home Member, characterised it as the most reactionary measure, but did not oppose the motion for circulation.

Sir Hari Singh Gour vigorously opposed circulation as an attempt to repeal an Act which safeguarded the rights of individuals and liberty of conscience and as bolting and barring against all reform movements in India. The Act was the only refreshing breeze from the West in the movement to protect Hinduism and the present Bill was a menace to it.

Mr. Kelkar said if any one wanted to leave his father's religion let him do so fully realizing the consequences. Inheritance by an apostate was opposed to Hindu as well as Mahomedan law.

The motion for circulation was lost by nine against 29 votes. The latter number included officials who had apparently been given freedom of the vote.

Mr. Kelkar's next motion was for consideration of his Bill to restrict the amount of interest recoverable from debtors.

Mr. Allison suggested withdrawal of the Bill in view of Maulvi Mahomed Yakub's identical Bill which had been circulated. Mr. Kelkar agreed.

#### AN AMENDMENT TO LIMITATION ACT

Mr. Kelkar's Bill to amend the Limitation Act of 1908 was circulated at the suggestion of the Home Member. The Assembly then adjourned.

#### THE CHITTAGONG PORT TRUST ACT.

The Assembly held its last sitting of the present session on the 27th MARCH.

On the motion of Sir George Rainy, the Bill amending the Chittagong Port Trust Act, as passed by the Council of State, was taken into consideration.

Mr. Amarnath Dutt moved an amendment to clause 4, enhancing the number of port commissioners by three of whom two would be from the Assembly representing the Chittagong division, and one additional member from the Chittagong Indian Merchants' Association.

This, said Mr. Dutt, was proposed with the object of protecting the Indian interests adequately.

Sir George Rainy said the amendment was unacceptable. Firstly, it would upset the arrangements arrived at between the secretary of the Commerce department and the local interests. Secondly, he doubted whether members elected by the Assembly would be the right kind of persons for the trust, which was a purely business body. The amendment was rejected.

The Bill as passed by the Council of State was passed.

#### THE MINES BILL.

Sir. B. N. Mitra moved for consideration of the Mines Bill, as amended by the select committee. The Bill *inter alia* places a limit of 12 hours on the daily hours of work in Indian mines and combined with the previous legislation limiting the weekly hours of work is an improvement on the present position.

Mr. Joshi, who along with four others had attached a dissenting minute, moved an amendment urging that the maximum daily hours of work be eight instead of 12. He said it was admitted that in a large number of mines the workers did not work more than eight hours and, as they worked on a piece work system, they could fill three tubs even in six hours. Why, therefore, penalize them, particularly when



they had to work longer hours, because of the failure of the mine-owner to provide an enough number of tubs?

Dewan Chaman Lal supported the amendment. He asked the House not to be a party to depriving the miners of a civilized standard of living. Constituted as the Government was he doubted whether even Christ or Buddha in their place would do better.

Sir Bhupendra Nath Mitra recalled Mr. Joshi's speech in 1923 stating that the miners would not like any regulation restricting the daily hours of work. Though Mr. Joshi's outlook had widened, the miners' outlook had not widened to the same extent. At present a miner could work 24 hours in one day, because the restriction was on the total weekly hours. The restriction was thus the first step to regulate the daily hours of work.

The speaker particularly emphasized the habits of Indian miners, which could not be cured by legislation, namely, their unpunctuality. And as they were paid on a piece work system, the mine-owner paid them according to the outturn. The only result of forcing an eight hours' shift would be not to force the mine-owners to buy more tubs, which they could not afford with their small capital, but to make it impossible for the miner to earn his existing daily wages.

Mr. Joshi's amendment was rejected by 22 votes to 46.

Mr. Joshi next suggested that the daily period of work be limited to 10 hours.

Dewan Chaman Lal, supporting the amendment, objected to the measure being brought forward on the last day of the session when most of the members were absent.

Sir B. N. Mitra said if a miner completed three tubs within a shorter period than 12 hours, nothing would prevent him from leaving the mine, but those who could not fill three tubs within 10 hours would be losers if the amendment were accepted. The motion was rejected.

Mr. Joshi moved an amendment to clause 3 omitting the shift system in mines.

Sir B. N. Mitra said the amendment might lead to practical difficulties. It would also adversely affect a certain kind of workmen like enginemmen.

Dewan Chaman Lal said what should be done by law should not be left to the vigilance of inspecting officers.

Mr. S. Lal was applauded when he rose to oppose the amendment in his maiden speech. He assured the labour representatives that the present provision would not enable the mine-owners to employ miners more than 12 hours a day.

The amendment was put to vote and lost, 19 voting for it and 40 against it.

The House rejected after another division Mr. Joshi's amendment to clause 1, urging that the Bill should take effect from the 1st April, 1929, instead of the 7th April, 1930. Sixteen voted for and 35 against the motion.

The mines Bill, as it had emerged from the select committee, was passed.

#### SUPPLEMENTARY DEMANDS.

The House then voted all the supplementary demands for grants.

Sir Basil Blackett moved the grant under 'Miscellaneous' which included a demand in respect of expenses incurred on the Simon Commission during the current year.

Pandit Motilal Nehru explained the position of his party. He said the Assembly had already on two previous occasions declared itself against the Commission and had refused to vote the demand proposed in the budget estimates. The demand for Rs 57,000 before the House represented money already spent on the Commission. It, therefore, stood on an entirely different footing. The decision of the House on this demand would not affect the previous vote. His party would take no part in the discussion or the voting of this grant and he was glad to hear the ruling of the Chair that questions of principle and policy did not arise on this vote.

Mr. Aney, on behalf of the Nationalists, enquired why the Government had brought it forward on the last day of the session. Did they wish to take advantage of the thinness of the House? He protested against this procedure.

Maulvi Mahomed Yakub raised a point of order. A supplementary demand implied an original demand which was to be supplemented.

The President ruled that this was not necessarily so and a supplementary grant could be asked for expenditure for new services not foreseen at the moment.

Mr. Yakub next asked whether it was permissible for the Government to incur expenses for a purpose already rejected.

That President ruled that this money had been already spent.

Mr. Graham, Legislative secretary, said that supplementary demands were always taken at the end of the financial year and till then it was difficult to estimate them. Members had quite adequate notice as they were announced on March 19. If members did not choose to stay, it was not the business of the Government to make them stay.

The demand was put to the House and voted, without a division being challenged.

#### SICKNESS INSURANCE FOR WORKERS.

Sir B. N. Mitra moved a resolution that the draft conventions and recommendations adopted by the tenth International Labour Conference be not ratified and accepted. It had recommended medical relief and sickness insurance for workers in factories and mines, agriculturists and domestic servants, etc. The recommendations could not be given effect to owing to the migratory character of workmen, the existence of various systems of medicine in India and the indifference of many workmen to such proposals. The Government would, however, discuss the matter further and examine the question of introducing proposals in some acceptable form.

Mr. Joshi moved an amendment recommending the establishment of sickness insurance for workers in factories, mines and organised and large plantations. He said that even Japan, where labour was not so well organised as it was in India, had established sickness insurance.

Dewan Chaman Lal said that the scheme had been accepted by all the civilised countries of the world and was passed in the International Labour Conference by 97 votes against nine. He did not so much care for political Swaraj as for the betterment of the conditions of life of workers.

Sir B. N. Mitra said that Japan took five years to pass legislation on the question, although she was a far smaller country than India. He advised the House to wait till the matter was further considered with the local Governments, because eventually those Governments would have to foot the Bill.

The amendment was rejected and the resolution was passed. At quarter to five, the President announced the adjournment of the House *sine die*, amidst general cheering.

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## The Council of State.

The winter session of the Council of State commenced at New Delhi on the 1st FEBRUARY 1928. The President, Sir Henry Moncrieff-Smith at the outset referred in feeling terms to the deaths of Lala Sukhbir Sinha, Khan Bahadur Syed Alay Nabi and Dewan Tek Chand who, he said, were all his personal friends. Both Lala Sukhbir Sinha and Syed Alay Nabi were sober and moderate in the expression of their views. Diwan Tek Chand was connected with the Council since its inauguration.

The important business transacted today was the introduction by His Excellency the Commander-in-Chief of two Bills amending the Territorial Force Act, 1920, and the Auxiliary Force Act, 1920, in accordance with the Government decision on the report of the Shea Committee.

Mr. Burdon introduced the Burma Salt Act Amendment Bill which was intended to relieve the Burma Government of the agency work of the Salt department and place it under the control of the central board of revenue.

On the 6th FEBRUARY Sir Geoffrey Corbett, introduced the Bill amending the Chittagong Port Act 1914.

### AMENDMENT OF LIMITATION ACT.

On the motion of the Law Member, the House recommitted to the select committee the Bill to amend the Limitation Act, 1908.

Mr. Das explained that in the select committee considerable alterations were made, after which it was recirculated. A variety of opinions had been received, necessitating recommitment to the committee.

### A POINT OF HINDU LAW.

There was a discussion on the next motion of the Law Member for further consideration of the Bill, as reported by the select committee of the House, providing that partitions and separations of interest among members of Hindu undivided families and other transactions among persons governed by Hindu law shall in certain cases be effected by written and registered instruments.

After discussion the motion for consideration was passed.

### AMENDMENTS DEFEATED.

Mr. Chari then moved two amendments intended to give effect to the dissenting note of Mr. Ramdas Pantulu and Mr. Manmohandas Ramji, so as to exclude from the operation of the Bill transactions whereby a family can become divided in status, such as partial alienations of joint interest by one or more members of a coparcenary, etc.

Munshi Narayan Prasad Asthana supported the second amendment.

Both the amendments were rejected, the second by five votes against 81.

### THIRD READING PASSED.

Mr. Chari finally opposed the passage of the Bill and twitted the Government for taking advantage of its majority in the Council to pass such controversial measures and hoped the tables would be turned against the Government in the Assembly in spite of the Swarajists' absence.

The third reading was agreed to by 18 votes against six. Many members remained neutral. The Council then adjourned.

### IMPORT DUTY ON ARTIFICIAL GHEE.

On the 8th FEBRUARY the Council transacted non-official business. Lala Ram Saran Das moved that a 150 per cent. *advalorem* duty be levied on imports into this country of artificial ghee or any other similar vegetable products or compounds which have not been given a harmless permanent fast colouring excepting yellow shades to distinguish it from pure ghee and to avoid adulteration with it.

Lala Ram Saran Das quoted the growing medical opinion which had declared that several diseases were due to people taking dangerous vegetable products in artificial ghee. The army authorities had refused to give artificial ghee to Indian soldiers on the ground that it did not contain vitamins. Why then should *vanaspathi* ghee be allowed to be imported and consumed by people, when they could get the animal product in some places at cheap rates?

Sir Maneckjee Dadabhoj was of opinion that the Government should direct an enquiry. He suggested an amendment urging on the Government the desirability of considering the question of an additional duty on imported ghee.

Sir Geoffrey Corbett objected to both the resolution and the amendment on principle because he pointed out that if they imposed a duty on imported products there must be a corresponding restriction on Indian manufactures. He, however, undertook to ask the local Governments to enquire into the question.

The amendment was defeated by 21 votes against 14 while the resolution itself was defeated by 12 votes against 21.

#### PUBLICATION OF CORRESPONDENCE RE. COMMISSION.

Sir Phiroze Sethna in asking for the publication of the correspondence regarding the appointment of the Simon Commission drew the attention of the Government to the anxiety of the public to know what part they had played in this question of absorbing interest. From the speeches of Lord Birkenhead and others it was clear that a voluminous and highly important correspondence had been passed between Lord Birkenhead on the one hand and Lord Reading and Lord Irwin on the other. Indians wanted to know if in this matter Lord Birkenhead had been imitating Lord Morley and keeping the members of the Executive Council of the Viceroy ignorant of the correspondence. Sir Phiroze Sethna said that any methods of secrecy should be deprecated. But so well kept was the secret of appointing the Commission in 1927 that the decision came to most people as a surprise. Lord Irwin's consultation with the leaders after the decisions had been arrived at regarding the procedure was like shutting the stable doors after the horse had bolted. However, all that they wanted to know was what attitude the Government of India adopted in the matter of appointing Indians on the Commission and whether the exclusion of Indians emanated from Delhi or Whitehall. Under the Reforms Act the responsibility for the time and measure of constitutional advance was jointly placed on the British Government of India. The question was to what extent and in what manner that responsibility had been discharged by the Government of India. Sir Phiroze Sethna wanted to know what opinions Mr. S. R. Das, the Law Member, gave on the question of a purely parliamentary Commission and what remedies the Government of India as a whole had suggested for easing the present tension.

#### GOVERNMENT'S OPPOSITION.

The hon. Mr. Haig, Home Secretary, opposed the resolution. He advised the Council to survey the position calmly and dispassionately. There was always curiosity in something which was kept under seal and it was only on special occasions, for special reasons, that Government disclosed anything in the nature of correspondence. As a businessman Sir Phiroze Sethna would recognize the reasonableness of the Government's suggestion that it was not always right to disclose a secret just in the same manner as Sir Phiroze Sethna would not like to disclose his business secrets. However, the reasons which led to the appointment of a parliamentary commission had been explained by the Viceroy in his statement and further explained by the Secretary of State, the Under-Secretary of State and also by the Prime Minister. Nothing further was to be gained in elucidating the position by publishing the correspondence. But Sir Phiroze Sethna wanted to know whether the Government of India was consulted and, if so, what their opinion was. That raised the question of the relations between the Government of India and the Secretary of State, and he (the speaker) declined to give an answer.

The resolution was defeated by nine votes against 21.

#### TERRITORIAL AND AUXILIARY FORCES.

On the 9th FEBRUARY the Council of State had a short sitting and that with a thin attendance, the Swarajists continuing to be absent. Within a space of 15

minutes two Bills, amending the Territorial Force Act and the Auxiliary Force Act, were taken into consideration and passed. No nonofficial spoke. The House then adjourned.

#### SOUTH AFRICAN LIQUOR BILL.

On the 13<sup>th</sup> FEBRUARY Sir Mahomad Habibullah announced that as a result of the representations made by the Government of India to the Union Government in South Africa, the latter had decided to withdraw that clause of the Liquor Bill which aimed at prohibiting the employment of Indians in the liquor industry. The announcement was received with loud applause.

Sir Mahomed expressed appreciation of the friendliness of the Union. He expressed his personal gratitude to the members of the Government of the Union for the generous manner in which they had dealt with this representation. Their decision was a sure guarantee of the continuance between India and South Africa of the friendly understanding established on the firm basis of the Capetown Agreement. Sir Mahomed also paid a tribute to the important part played by Mr. Sastri whose tact and persuasiveness had proved of the utmost value. (Loud cheers.)

#### APPOINTMENT OF TRADE COMMISSIONERS.

Sir Phiroze Sethna then moved a resolution urging the Government of India to consider the appointment of trade commissioners or commercial attaches in the colonies of the British Empire and in the countries of Europe and America in order to develop Indian trade and commerce with those colonies and countries, and that the new posts should be thrown open to Indians in the first instance. The mover pointed out that the development of trade and commerce in every country was bound up with its general prosperity. The increased revenue of a state tended to raise average income of its people and diminished unemployment. If India were to keep pace with other countries they could not afford to shelve the question any longer. He knew that even in the field of curios Japan had beaten because they did not send anything new. For this the Government was to be blamed. Considering the class of people who produced those articles it was the duty of the Government to point out to them the defects and explain to them what was wanted by the importing countries. If they had trade commissioners to guide their dealers and to explain to them all those points there would no doubt be a large and growing trade even in their handicraft. Because of the lack of propaganda they were losing ground. Sir Phiroze Sethna feared that their position would get even worse if they had not qualified men on the spot to guide their traders and merchants how best to retain those markets.

The resolution was adopted unanimously and the Council adjourned.

#### CHITTAGONG'S STATUS AS PORT.

On the 14<sup>th</sup> FEBRUARY the Council of State held another short sitting. Mr. E Burdon, Finance secretary, introduced the Bill to amend the Indian Securities Act, 1920, enabling a company to hold Government securities jointly with a private individual or another corporate body and which empowers the Government to pay the amount of the securities to the surviving joint holder in certain cases.

On the motion of Sir Geoffrey Corbet the Council referred to a select committee consisting of Sir Phiroze Sethna, Sir George Godfrey, Mr. Suhrawardy, Mr. De and Mr. Chari the Bill to amend the Chittagong Port Act, 1914, with instruction to report by March 31. The house then adjourned.

#### PROBLEM OF UNEMPLOYMENT.

On the 15<sup>th</sup> FEBRUARY defining the middle classes, while moving his resolution, Mr. Chari said that these included literary, quasi-literary and intellectual classes. Unemployment was a serious problem all over India and it was assuming serious dimensions. So far the central Government had done nothing to relieve unemployment. There had no doubt been attempts on the nonofficial side to solve the question, but he did not understand why the Government of Bengal found Mr. C. R. Das's scheme unacceptable.

Referring to unemployment in England and other European countries, Mr. Chari pointed out that those countries had dependencies where they found employment for their unemployed, but India, being a dependency itself, had no scope in that direction. Moreover, the army and the navy were blocked to Indians. As a passing remark, he alluded to the unanimous recommendations of the Skeen Committee which, he said, had been turned down by the Secretary of State.

Concluding, he appealed to the Government to find out ways and tackle the problem which had begun to assume a political aspect.

Mr. Mc Watters, speaking on behalf of the Government, refused to accept the resolution. In 1926 there was a debate on this question in the Assembly, as a result of which the Government of India addressed various local Governments in May 1926. After quoting a few extracts from that letter, Mr. Mc Watters pointed out that some time before and immediately after that letter certain local Governments had taken action. Bengal, the Punjab, the United Provinces and Madras had appointed committees of enquiry, which fact itself showed that the provincial Governments were fully alive to the importance of the question so far as it lay in their power. Mr. Vernon had explained the difficulties as were gone into by the Madras committee, but, as that committee itself had stated, it lay in the hands of the public at large to effect a change in the outlook of the educated youngmen. The Government of India, as the largest employer, had done whatever it could; for example, Indianization of the services was proceeding apace. But that was not a panacea for the evil. They had, therefore, helped the provincial Governments to embark on their several schemes which would have the effect of relieving the situation; for example, the provincial Governments had been relieved of their annual contributions to the central Government, thereby enabling some provinces to proceed with *inter alia* their irrigation schemes which would add to the wealth of the people. However, the debate had served to focuss public attention on this important question, and he advised the mover to withdraw the resolution.

Mr. Chari pressed his motion, which was next put and rejected without a division.

#### PLEADERS AS CHIEF JUSTICES OF HIGH COURTS.

Sir Phiroze Sethna then moved his resolution urging the amendment of the Government of India Act so as to enable a High Court pleader to be appointed Chief Justice of a High Court. The mover traced the history of the motion and pointed out that it was a reminder to the Government to take steps in accordance with their acceptance of previous motions both in the Council of State and in the Assembly. Last year Mr. Haig had, in accepting the resolution of Mr. Ramdas Pantulu, said that the proposals involved the amendment of the Government of India Act in Parliament and that the Secretary of State could not commit himself as to the date owing to the exigencies of parliamentary business.

Sir Phiroze Sethna therefore withdrew the motion. The Council then adjourned.

#### BURMA SALT ACT (AMENDMENT) BILL.

On the 16th FEBRUARY the only business transacted in the Council of State, was the consideration and passage of the Bill amending the Burma Salt Act, 1917.

Mr. E. Burdon, Finance secretary, explained that it was proposed to relieve the Burma Government of administering their Salt department and to place it under the control of the Central Board of Revenue. The central Government had now to spend about Rs. 1,50,000 as their direct expenditure, but under the new system it would be increased to Rs. 1,70,000. It was, however, confidently hoped that the excess would be met by better administration.

#### THE RAILWAY BUDGET.

On the 20th FEBRUARY Sir Austen Hadow, presenting the Railway Budget, in the Council of State, announced a reduction of half a pie per mile on journeys of over 50 miles on the E. I. R., the N. W. R., and the G. P. R.; and a reduction of 15 per cent. in parcel and luggage rates. The year 1926-27 was a disappointing year, but 1927-28 had been a record year for traffic. The figures (revised estimates) for gross receipts and expenditure on the commercial lines of State railways

were 103.5 crores and 90.67 crores, respectively. The contribution to general revenues will be 6.36 crores.

The budget estimates for 1928-29 provide for gross receipts of 103.19 crores and an expenditure of 92.55 crores.

The capital expenditure is expected to amount to 30 crores in 1927-28 and to 28 crores in 1928-29. Eight hundred miles are expected to be added to open mileage in 1928-29.

#### SECURITIES ACT AMENDING BILL PASSED.

On the *21st FEBRUARY* the Council of State held a short sitting. On the motion of Sir Mahomed Habibullah, the Council agreed to elect a panel of eight members from which the members of the Standing Committee to advise on questions relating to emigration in the Education Department, will be nominated.

The Council also passed the bill amending the Indian Securities Act of 1920.

#### RESOLUTION ON SIMON COMMISSION.

On the *22nd FEBRUARY* the galleries were fairly crowded and the attendance also was fair when the Council reassembled with the agenda containing resolutions about the Simon Commission.

Sir Sankaran Nair did not move the resolution standing against his name, but gave an opportunity to Mr. Chari to move his resolution urging upon his Majesty's Government in connection with the Statutory Commission to form a committee from among the members of the Central Legislature with authority to carry on preliminary work and to collect materials to be placed before the Commission, to cooperate with the Commission in examining all witnesses in all provinces, to have access to all records that may be placed before the Commission, to review and supplement such evidence by requiring other witnesses to be examined and other records to be sent for and to report to the Central Legislature and also urging the Government to place the report of the Committee before Parliament for consideration along with the report of the Commission.

#### A POINT OF ORDER.

Mr. Ramdas Pantulu, raising a point of order, said that his Majesty's Government had nothing to do with the formation of a committee in the Central Legislature; and, secondly, since the Assembly had passed a no-confidence motion on the Simon Commission the Central Legislature could not be asked to appoint a committee.

The President held the motion in order, remarking that the House was not precluded to recommend the formation of a committee because the other House did not want the committee to be appointed. Sir Henry Moncrieff-Smith, however, realized the difficulty of Mr. Ramdas Pantulu, which could be solved when Sir Dadabhai moved his amendment.

In moving his resolution, Mr. CHARI pointed out that India was divided into two camps on the question of the Statutory Commission and both of them were diametrically opposed to each other. Judging from a practical point of view, he was convinced that the right course for them was one of cooperation and not of non-cooperation. The decision to non-cooperate with the Commission was, to his mind, against Hindu religious teachings. The Gita enjoined on every Hindu to do his duty towards his country, unmindful of the consequences. History had told them that there were only two ways to achieve freedom, one of evolution and the other of revolution. Revolution as a practical proposition was impracticable under the existing conditions. Mr. Chari advised his countrymen to do their utmost by intelligent cooperation to obtain absolute control on Government and national activities. Even the Swarajists, he declared, had recognized the authority of the British Parliament to ratify the final agreement between India and England. They should, therefore, by cooperation on equal terms, try and convince the British public that they were fit for self-government. He opined that the issue was simply one of cooperation and not of non-cooperation. The burden of the speeches in the Assembly made by responsible leaders like Pandit Madan Mohan Malaviya, Mr. Jayakar and Mr. Jinnah was that they wanted equal status for the joint committee with the Commission. But instead of pressing their claims they had unfortunately committed themselves to a policy of negation and inaction. The speaker

hoped that before long those rights would be granted to the joint committee. He appealed to the Government to recommend immediately the grant of equal terms, equal status and equal opportunities to the committee of the Legislature. and the committee should also be given the right to submit a separate report which should be given equal consideration and equal hearing by Parliament. He deplored that the Government had yet to come out with their plans when everything should have been settled and they should have proceeded to elect the committee. It was time for the Government to do their utmost for strengthening the hands of the co-operators. Concluding, he stated that his resolution put forward their minimum demands and he hoped the Government would promote cooperation by removing those embarrassing restrictions which were open to serious objections.

Sir Maneckjee DADABHOY moved an amendment, which he had freshly given notice of, urging upon the Government to take steps for the election of representatives from the Council of State to participate in the joint conference, according to the procedure set out by the chairman of the Commission in his letter of Feb 6, addressed to the Viceroy and the letter dated Feb. 10 to Sir Sankaran Nair.

At the outset Sir Maneckjee made it clear that he had the same goal as Mr. Chari, and while sympathizing with the feeling of those who were indignant at the non-inclusion of Indians in the Commission he asked them to consider whether non-cooperation would advance the country's interests. There was opposition when the Reforms were introduced in 1892 and the Minto-Morely reforms were proposed but Mr. Tilak and Mr. Gokhale, respectively, urged Indians to accept what was given and fight for more. And now in view of Sir John Simon's statement, which breathed a desire to be impartial and to have free conference, it "could be suicidal to attempt to boycott and refuse to appoint a committee. The Commission had gone as far as it was possible, and for having elicited a further statement from Sir John Simon he congratulated Sir Sankaran Nair. The second statement offered a definite gain for the central committee working in cooperation with the provincial committees. If sitting as a separate body the Indian wing could not influence the Simon Commission then what was the use of crying that it must be boycotted on the ground that there were no Indians on the Commission itself? Let not India, out of mere temporary resentment and indignation spurn the great opportunity which Providence had placed in her hands. Let the opportunity be seized and let the representatives of Indian opinion cooperate with the Commission and place before it all the logic and all the facts and not skulk like schoolboys. The Assembly had refused to cooperate with the Commission on the alleged ground that India had been insulted. Where was the insult? If it was an insult, then that insult was in the Government of India Act under which the Reforms had worked all these years and Ministers had been working. It was nonsense to say that India was enjoying equal status with Britain. If India wanted Swaraj she must cooperate with Britain.

Dr. Ramarao, interrupting, said that India could not get Swaraj when they had men like Sir Maneckjee.

Sir Maneckjee warmed up and replied that he believed in getting Swaraj by evolution and by cooperation with Britain. (Cries: 'Question'.) India was not going to wrench reforms or Swaraj by the obstinate policy of opposition or revolution.

Sir Phiroze Sethna interrupted and asked: 'Where is revolution in the boycott?'

*Sir Maneckjee.*—Are you going to get Swaraj by making the British nation your enemy? This is the time for us to forget the mistakes of Britain in the present case, to bury the hatchet and work for the mutual benefit of Britain and India.

Concluding, he appealed to Mr. Chari to accept his amendment.

#### ANOTHER POINT OF ORDER.

Munshi Narayana Prasad Asthana, Sir Arthur Froom and Mr. Ramadas Pantulu raised the question as to whether the Council would be allowed to discuss the principle of the appointment of the Commission or not. The President said that if the discussion of the constitution of the Commission was out of place then equally Dr. Ramarao's amendment would be out of place. The resolution and the mover's speech had not raised the principle of appointment of the Commission. The amend-



ment too touched very little upon it. Therefore, the President advised that the House should not labour too much upon the principle of the appointment of the Commission but discuss the future.

Sir Sankaran NAIR advocated the appointment of the committee for several reasons. If it was possible to work along with the Commission and influence its decisions, let it do so ; otherwise let it work on parallel lines and submit its report separately. He for one was anxious to obtain for the committee some further powers, but he was glad to find that Sir John Simon had kept an open mind, if it would be shown to him that further powers were necessary—powers not covered in the discussions that had so far taken place. If India was to frame a constitution it would not be valid unless sanctioned by Parliament. This was not denied. Even a scheme, if prepared by Congressmen, must be submitted for final ratification by Parliament. That being the case, why should we not have a committee, which would have ample material to draw up a constitution ? Whether that constitution was accepted or not by Parliament he did not care, but at any rate India could have produced a constitution through a representative committee with which America and other civilized parts of the world could be faced. The posterity would see what the present generation had done for them. The claim of drafting a constitution was implied in the right of submitting a separate report. To throw away that opportunity was criminal. In the other House, Lala Lajpat Rai and others had suggested boycott, because they had no faith in the *bona fides* of those who appointed the Commission. Why should that charge be levelled when persons who appointed the Commission were not here to defend themselves ?

*Mr. Ramdas Pantulu.*—Their agents are here.

Sir Sankaran Nair continued, the second objection was that the Commission was ignorant of Indian conditions. That, in his opinion, was an argument for cooperation with the Commission, because the Indian wing could show the Commission's ignorance up.

Continuing Sir Sankaran Nair associated himself with the remarks of the depressed classes that influential Indians at present would not help them much. The work of Lala Lajpat Rai and the Arya Samaj in this behalf was an exception to the general mentality of the upper class Hindus which had made the depressed classes openly declare that they must have British rule for a long time to come.

Proceeding, Sir Sankaran Nair pleaded for equal status to be granted to the Indian joint committee. He would request Sir John Simon to go further and if the Government of India asked Sir John, the speaker was sure that the chairman of the Commission would do it. It was a mistake to hold *in camera* meetings and he knew the crux of the matter was that some Indian witnesses would not dare to make certain statements against Indian aspirations before Indian members.

Sir Pheroze SETHNA opposed the motion. After a decisive vote in the other place, he declared that he regarded it a solemn duty of all elected members of the Council, if they were true to themselves and their electorates, to vote against the resolution and the amendment under discussion. Constituted as the Council was, the Government could have everything their own way in this place.

*Sir Dinshaw Wacha.*—It is prejudice, prejudice, prejudice. (Laughter.)

Sir Pheroze retorted it was a fact. Much had been made out by the Government for the acceleration of the date of the appointment of the Statutory Commission, but the time was opportune, because the British Government realized the existence of communal tension in this country and from the Conservative standpoint they know their domination in home politics was likely to end before long. The exclusion of Indians was meant to take away from them the right of citizenship of the Empire and lowered them to the position of mere petitioners. If they took it lying down the Government would have no hesitation to resort to it again and again on similar subsequent occasions. It was tried to be made out that according to Sir John's statement the Indian colleagues would be given equal status, but all that he could say was that a person bereft of his senses only could admit that there was equality. Analysing the division in the Assembly, Sir Pheroze pointed out that a majority of Mahomedan elected members had voted against the Commission, which showed that the majority of Mussalmans in India was not favouring the Commission and its procedure. The professions of Britishers to govern India

for Indians was a tall talk. In reality the intention of the British was to hold the reins tighter and for their own benefit to keep India under subjection so long as they possibly could. He deplored that the Government did not see that by the methods they followed they were allowing the ground to slip under their very feet.

Mr. HAIG on behalf of the Government, made an impressive speech which he closed amidst cheers. He urged the Council to accept the amendment of Sir Maneckjee Dadabhoy which accepted the procedure put forward by the Commission and proceeded with the determination to utilize that machinery for accelerating the progress of the Reforms. No doubt at the beginning of every work matters of form loomed large, but as soon as people settled down to work these matters of form often receded. He trusted that the Council would accept the same course suggested by Sir M. B. Dadabhoy and thus give a lead to the great body of opinion which lay submerged at the moment under political clamour. Sir Sankaran Nair in his arresting speech had cogently put forward the reasons which should guide India in her own interests to cooperate with the Commission. In the interests of India, therefore, he (the speaker) appealed to the Council to come to a decision which would enable the Indian representatives to place before the Commission the aspirations of political India or of India as a whole. He did not say that the scheme devised by Parliament was the best that could have been devised, but it had provided for the very close participation of representative Indians in this vital enquiry. If an enquiry was to take place, as surely it must, then it was right that it must be conducted with the most intelligent and sympathetic understanding and provide for the closest contact between the different points of view here. In the Commission they had an epitome of the British people and it was proposed that there should be representatives of the Central Legislature which at the present stage of political development represented the interests of India. It was contemplated that these two sections should meet and deliberate day by day. Surely, political India had no reason to complain of such an arrangement.

Unfortunately, the Assembly had by a majority of six votes decided to have nothing to do with the Commission and Lala Lajpat Rai had declared that every vote thrown against his resolution was a vote against Swaraj. This led the speaker to wonder what was meant by that statement. Three thoughts occurred to him. One speaker in the Assembly openly hinted that what what would follow the resolution would be the methods of the revolver and bomb, or an invitation to a foreign country to come in and take the place of the British. Mr. Haig did not want to insult the intelligence or patriotism of the Council by dwelling on such a suggestion. The second thought was that by passing such a resolution there would be sufficient political pressure put upon the British Government to revise their scheme of the Commission's enquiry. He did not accept that reading as correct, and Mr. Haig reminded the Council that all the three parties of the British Parliament had agreed in accepting the scheme of the Commission. The third thought was that perhaps the Assembly thought that because their views had been disregarded therefore, they should have nothing to do with the Commission. Indians were proud and sensitive people and he believed that some Indians were genuinely hurt by the decision taken, but he thought that this resentment was very largely due to certain misapprehensions as to the functions of the committee of the Legislature. But those misapprehensions had been removed by the clear statement of Sir John Simon. Even in individual relations it was unwise to let passions dictate, but surely when they were dealing with the relationship of a great country they should hesitate before allowing their conduct to be dictated by any feelings of resentment. He asked how the boycott would help India.

Sir Phiroze Sethna interjected in reply to a similar query that it would at any rate prevent the repetition of the British Government's mistake in the exclusion of Indians from a commission. India was now at the cross-roads of her destiny, and was it suggested that there should be an unending series of reforms inquiries and was it not India's desire, as stated by the minority report of the Muddiman Committee, that her constitution should be placed on a permanent basis which was a reasonable proposition? Six party leaders of the Assembly had said that the action to be taken following the passing of the boycott resolution was to prepare a constitution

with the maximum measure of agreement and to work for its establishment. If that work was to be unconstitutional, he had no remarks to offer; but if it was to be constitutional then how could they work otherwise than by putting their scheme before the great constitutional instrument which Parliament had now devised and which was now in operation? As Sir Sankaran Nair, with the wealth of his experience and the weight of his patriotism had stated that the committee could considerably influence the Commission's conclusions. Let it not be forgotten that there were serious communal differences, which manifestation, in his opinion, had a political basis and should yield only to political remedy. The most practical solution could be arrived at by representatives of Hindus and representatives of Musalmans sitting round with representatives of the British people and endeavouring to arrive at a genuine arrangement. Here, again, there was an opportunity for India to get out of the rut. It was an entire misreading of history to say that the Reforms of 1919 were given as a result of pressure on war-weary people. He said it was in a vivified moral atmosphere at the moment that the idea of advancing India received wide support. It had been asserted that there had been a stiffening of the British people of late. Was it not probably the reaction of a certain phenomena extant in India? Might it not be that the language of menace or the poison gas of distrust naturally reacted in a manner unfavourable to Indian aspirations? It was in the sincere and genuine hope that no such disaster would overtake the relations of the two people and the legitimate aspirations of Sane and patriotic Indians that he urged the Council to accept the amendment. (Applause)

Mr. KHAPARDE refused to believe that the present situation was so menacing and desperate as had been painted. It was the duty of every Indian to assist and explain to the Commission what they wanted and thus to influence the decision for the grant of a further instalment of reforms. Mr. Khaparde humourously remarked that the patient would certainly suffer more if no medicine was given to him. Similarly no improvement could be made in any judicial case if a pleader withdrew prematurely, thinking that the judge had already made up his mind. The position of Indians had now improved considerably. Formerly they went in important enquiries as intruders, but today they were being invited as guests and they could do much more than they were able to do on previous occasions.

After a few more speeches the amendment was carried by 34 against 13. The House then adjourned.

On the 27th FEBRUARY Mr. Desikachari moved his resolution for the establishment of a Central College of Railway Engineering in India, with a view to stop the recruitment of non-Indians altogether, and to train and recruit in India all officers of Mechanical Engineering and Transportation services of the superior railway establishment.

Mr. Chari pointed out that the subject had been engaging the attention of the Government ever since the Reforms were introduced in India. The Assembly passed a resolution to this effect in 1922. Thereafter, the Government appointed a special officer to enquire into the matter. That officer, Mr. Coates, however, was averse to the establishment of such a College. Mr. Chari asserted that a Central College would attract a supply of students from a variety of classes and from all provinces. Now that the question of remodelling workshops was under consideration, the time was ripe for starting a Central College at a central place. Mr. Chari claimed that India provided a large field for recruitment to the railway services. Alluding to the question of cost, the speaker stated that the railways were quite well off financially. They could therefore easily set apart some money for the establishment of a college, without which their vast organisation would not be complete.

#### LALA RAMSARAN DAS'S AMENDMENT.

Lala Ramsaran Das moved an amendment seeking to substitute for the original resolution the following: "That substantial subsidies and grants-in-aid and proper facilities for practical training in the railway workshops, be given in the already existing mechanical Engineering Colleges in different provinces, and that their graduates be appointed to fill vacancies in the State Railways with a view to restrict

the recruitment of non-Indians and to train and recruit in India officers of the mechanical services of the superior establishments of the Indian railways."

Lala Ramsaran Das stated that the object of both the motions was Indianisation of railways, and also the solution of the unemployment in the country. In 1926, Indians held only over 500 out of over 2,000 executive railway appointments. In the mechanical services, recruitment of Indians was nil. He, however, did not want unnecessary investment of capital on the establishment of a Central College. At present all the provinces had their own institutions on which millions of rupees had been spent. He therefore asked the Government to subsidise the existing institutions, and thus to enlarge their scope. They would thereby be also able to increase the number of Indians in the railway services. Concluding, Lala Ramsaran Das remarked that there was quite a large number of students in India who now wished to join the mechanical services.

Sir Geoffrey Corbett, on behalf of the Government, said he was fully aware that both Messrs Chari and Ramsarandas had the same object in view. There were two alternatives before the House, one the establishment of a college, and the second from Mr. Ramsaran Das for helping the existing provincial institutions. Sir Geoffrey however explained a third alternative which the Government had adopted; and he hoped the House would accept the Government scheme. The Government of India had published a resolution on 9th November last, setting forth their scheme, which he would repeat as neither Mr. Chari or Mr. Ramsarandas had referred to it and as it was possible that it might have missed their attention.

It had been decided to select ten candidates for the civil engineering services through a competitive examination conducted by the Public Services Commission. They would be appointed as probationers receiving practical training. They would learn transportation and other work at Chandausi, and later at Dehra Dun, where a school was now being built. Similarly, recruitment to mechanical engineering would be done by the Public Services Commission, each province supplying candidates according to the quota allotted. Practical training in this branch was considered to be of supreme importance. Candidates would be appointed as special class apprentices and would have to undergo seven years' training including a course at Shibpur in Bengal. They would then be sent to the United Kingdom to acquire higher knowledge of locomotives. 75 per cent Indianisation which was recommended by the Lee Commission and accepted by the Government, would be applied in both the cases. Sir Geoffrey pointed out that the scheme had been very carefully worked out. He agreed with Mr. Ramsaran Das that there was a desire among the educated classes in India for taking up mechanical engineering and he hoped that Indians would soon reach the 70 per cent quota allotted to them by the Lee Commission. The Government scheme had amply provided for the supply of Indian recruits.

Lala Ramsaran Das then withdrew his amendment; but Mr. Chari pressed his resolution, which was rejected without a division.

#### CHITTAGONG PORT TRUST ACT.

On the 2nd MARCH the Commerce Secretary moved for the consideration of the House the select Committee's report on the Bill amending the Chittagong Port Act of 1914. Sir Geoffrey explained that the Select Committee had carefully examined the matter and considerably amended several clauses of the Bill. The election of Commissioners would take place before the expiry of two years. The new arrangements would avoid the situation whereunder the retiring Vice-Chairman might preside for a considerable period over a body largely composed of elected Commissioners, who had no share in his election as Vice-Chairman.

The Council passed the Bill and adjourned till 7th March.

#### INCOME-TAX AMENDMENT BILL.

On the 7th MARCH there was an interesting discussion on Mr. Burdon's motion for the consideration and passage of the Income-Tax Amendment Bill as passed by the Assembly after examination in the select committee. The Finance secretary made it clear that, if correctly understood, the Bill was really non-controversial, and

The Government had altered the Bill in the light of the criticism from the public and from the select committee. Clause (2) was to assert the essential fiscal principle that the local Government could not encroach on the spheres of taxation belonging to the central Government.

After reviewing the salient features of each clause of the Bill as passed, the Finance secretary pointed out that clause (7) was intended to place the foreigner in the same position as the resident in India with whom he is competing. Clause (8) legalized a longstanding and convenient practice, and clause (9) removed the anomaly whereby wealthy non-residents enjoyed, because they were residents, the privilege intended for people of small means.

Sir Maneckjee Dadabhoy opined that certain sections, instead of clearing up ambiguity, made matters worse confounded. If there was any difference between the local Government and the central Government as to the sphere of taxation why should the poor assessee suffer? In trying to assert the fiscal principle enunciated by the Finance secretary, Sir Maneckjee said, the Government should not lose sight of the fact that the public should be saved from double taxation.

Mr. Desikachari supported the motion for consideration of the Bill. He agreed with the Government that the amending Bill would clarify the present income-tax law, though personally he would like the whole of the old Act to be enquired into by a committee of the House, as urged by the resolution passed by the Council during the last session. In that case they could have an up-to-date Bill on the lines of the law in Great Britain. Mr. Chari criticized Sir M. Dadabhoy in the latter's remarks on clauses (2) and (7), but agreed with him that the Government should not be left to frame the rules under the Bill.

The Council accepted the motion to consider the Bill.

Before Major Akbar Khan moved his amendment to clause (2), Mr. Burdon drew the attention of the Chair that the amendment was not in order according to the standing orders, on the ground that the subject-matter of the amendment did not relate to the amending Bill.

The President held that the amendment was in order, which was ultimately moved. It sought for the exemption of the *chawkidars* in the N. W. F. Province and scavenging and house-taxes from income tax.

The mover held that in the N.-W. F. Province life and property were safeguarded by keeping armed *chawkidars* and the salaries paid to them should be reckoned as premium paid on insurance against risk and, therefore, should be exempted from income-tax assessment. In case *chawkidars* were not employed, there would be frequent looting in his province, which would lead to decrease in income and in the income-tax. Regarding the house and scavenging taxes, they were collected by zamindars for and on behalf of municipalities and, therefore, they should not be regarded as income and should not be taxed.

Mr. Burdon said that if *chawkidars* was paid for the purpose of guarding business premises, then it was admissible as a reduction. Even now the position as regards house-tax was also the same. The amendment was negatived.

Sir George Godfrey moved for the deletion of sub clause (b) of clause (2) by which the Government refused to allow as deduction the road cess paid to the local Government. He confined his remarks to the position as regards collieries and said that the Government proposal was wrong in principle and impossible in practice. He protested against the grabbing policy of the Government, which had suddenly arisen to the position that its spheres of taxation were being encroached by the provincial Government. The coal industry was passing through a critical stage in view of over-production and low prices of sale, and the Government had thought it right to add to the anxiety of the industry by the Bill, which attempted to squeeze more out of it for revenue purposes.

The amendment for the deletion of the sub-clause was lost by 31 votes against 21.

The discussion then centred round Mr. Gray's amendment altering clause (7) to the effect that in case of any person residing out of British

India all profits or gains accruing or arising to such person from any property in British India and all profits accruing in British India to such person from business transacted in British India be deemed to be income accruing in British India and be chargeable to income-tax in the name of the agent who shall be the assessee, and the profits arisen out of British India to such non-resident person be deemed to have accrued also in British India. Mr. Gray said that the object of the existing uncertainties which arose from sec. 42 and also to make the law more definite in regard to the assessment of profits arising from the import and export trade in India. The report of the select committee, he said, contemplated that rules were to be made limiting the action of income tax officers, but he felt that it left unduly wide powers in the hands of the income-tax authorities. The main uncertainty arose from the words 'business connections', for which he had substituted a more precise description. His second object was to relieve from liability to be taxed any profits which resulted in the case of exports from British India from the operations which took place after the goods left British India, and in the case of imports into British India, the profits which resulted from any operations before the goods had arrived in India. He opposed the taxation of profits resulting from the operations which took place outside British India, partly because it was impracticable and partly because it was inequitable.

No amendment having been made the Bill, as passed by the Assembly, was passed and the Council adjourned till the 9th MARCH when the Government of India's budget was subjected to a general discussion after which the House adjourned.

On the 12th MARCH, on the motion of Mr. Ernest Burdon, the Council of State passed the Bill amending the In-land Bonded Warehouses Act of 1896.

#### AN AIRCRAFT SCHOOL.

On the 13th MARCH Mr. Chari moved for the establishment of an aircraft school to give training to Indians. Though aviation, he said, was a recently developed science all countries were making rapid strides both in civil and military aviation. India should also make a beginning in right earnest in this direction to enable herself to take her proper share in this new development. The country was suitable for aviation owing to the long distances and constituted a junction for the Empire aerial routes. Even small countries like Chile and Belgium had schools to give training in aviation. Before companies in this country started work, they should have Indian youths fit to take up service. It was said that Indians had no sea sense but if work in this side was neglected it would be said that Indians had no air sense either. (Laughter.) Concluding, Mr. Chari stated that if the Government did not accept the proposal he would be convinced that they did not like Indians to get training to qualify for the Indian Air force.

Mr. Mc Watters, on behalf of the Government, admitted that Mr. Chari's researches on the subject of civil aviation left him unconvinced. He was unable to put forward a practical proposal. The questions they had to consider were whether it was possible at the present moment to found a school; what would be its cost and would the results be commensurate with the cost; and whether there would be employment for the products of that school? Pointing out the government policy on the subject, the Industries secretary said that in the budget there were a number of important proposals which dealt with the training of Indians in aviation. The first was for the training of ten Indians by way of scholarships in England. The Government contemplated an annual expenditure spread over a period of seven years of something over Rs. 2,00,000 for training ten Indians. When trained they would in the first instance serve under the Government for four years. They would be used for the staff of the director of Civil Aviation and as inspectors of aircraft and engines take charge of Government aerodromes and for the investigations of accidents, etc. The candidates would first have to go through a course of flying training at De Havilland Aircraft Company's flying school or some other school of the same standing. Flying training would be combined with ground training

and a number of subjects at a factory connected with the company. Following this training would be a post-graduate course of instruction in aeronautics at the Imperial College of Science and Technology covering the subjects of aerodynamics, design, aircraft, material of aircraft, construction of aircraft, engine design, airships, air navigation and instruments, higher mathematics and meteorology. They would then receive six months' workshop training and then a prolonged course of practical training at Croydon. Such a training of high degree would be impossible in India where there were no ground organizations and workshops. As for schools, even in Germany, which Mr. Chari said was more advanced than other countries such schools had been set up by private companies and not by the Government. As for military aviation the Commander-in-Chief had announced that selected Indian youths would be admitted hereafter at Cranwell.

Mr. Mc Watters therefore, opposed the motion as the mover had not taken practical realities into consideration, but he optimistically hoped that civil aviation would develop in this country at no distant date.

Mr. Chari pressed his motion which, however, was rejected without division.

#### DELEGATIONS TO INTERNATIONAL BODIES.

Sir Phiroze Sethna moved that Indian delegations to the League of Nations and other international and imperial conferences be predominantly Indian and led by Indians. He traced the history of the resolution and said that the principle had been accepted by the Government on two previous occasions. It was strange that the Government had not acted upon it so far. It might be that the Government of India could find themselves helpless before the Secretary of State although the present position constitutionally was that when the Indian Legislature and the Government of India agreed the Government in England should not intervene. The mover demanded to know if the discrimination was based on the racial ground of the rulers and the ruled. Already the exclusion of Indians from the Statutory Commission had embittered the feelings of the Indian people. Even the moderate section had urged the Government against the adoption of the unwise and narrow-minded course.

#### AN AMENDMENT.

Mr. Suhrawardy moved an amendment deleting the demand that the delegations be led by Indians.

He said he was not actuated by the narrow feeling of nationality but believed in the brotherhood of man.

Mr. Haig, Home secretary, admitted that the scope of the resolution had been enlarged. At present the Government of India was a racial partnership in which the proportions were not fixed. The resolution would restrict the field of selection and would indicate that no European was capable of leading delegations. The present policy was based on efficiency. Wherever found possible Indians were selected, as for instance, the delegation to South Africa. In the case of the Imperial Conference the delegation was led by the Secretary of State who was responsible for the Indian administration. The Government was not unsympathetic but could not give any pledge.

The resolution was put to the vote and declared lost by 20 votes against 16, three members remaining neutral.

#### INDIAN LIMITATION ACT.

On the 14th MARCH the Council held a short sitting when on the motion of Mr. S. R. Das, Law Member, the House passed the Bill amending the Indian Limitation Act 1908, as reported by the select committee. The committee unanimously approved clause 2, which specifies that any property comprised in a Hindu, a Mahomedan or a Buddhist religious or charitable endowment be deemed property vested in a trust for a specific purpose, and the manager of the property be deemed a trustee thereof.

Two Swarajist members, Mr. Pantulu and Mr. Kumar Shanker Ray, however,

dissented to clause 3 which dealt with the powers of successive managers to sue and the limitation of time upon bringing suits against their predecessors. Finally, the Swarajist members favoured the inclusion of Sikh and Jain endowments, doubting if the word 'Hindu' would comprehend them, specially having regard to the specific mention of Buddhist endowments. The committee points out there is no reference anywhere in the Limitation Act to Sikhs or Jains, and if they insert a reference, other provisions, referring to Hindus, might thereby lose application which they now have to Sikhs and Jains. The new articles are not substantive law, but merely impose limitations on suits to establish rights which arise under Hindu law. It has always been recognized that Sikhs and Jains are subject to Hindu law except in so far as they vary their customs. Referring to clause 3 the committee propose to put a definite limit of time upon bringing suits by managers to set aside the transfers made by their predecessors.

#### INDO-SOUTH AFRICAN AGREEMENT.

On the 14th MARCH Mr. Natesan (Madras) moved for the constitution of a special branch of the Secretariat with a secretary as head for dealing with questions relating to Indians overseas. Recalling the history of the subject Mr. Natesan said that at one time emigration was under the head 'Commerce', then under the Agriculture and Lands department and today under the Education, Health and Lands department which dealt a multitude of subjects. Today they were faced with the question whether it was not necessary to establish a separate secretariat for looking after the interests of 2,395,000 Indians overseas. Their question had been causing public anxiety in India for the last 20 years. He paid a tribute to the Government for entertaining identical views with the people on this subject but past experience warranted that steps should be taken in the direction of constitution of a special department to devote exclusive attention to this question.

Mr. Natesan, continuing, urged the publication of the annual reports on Indians Overseas and quoted Mr. Andrews who also advocated the establishment of such a secretariat. The question of expenditure, the speaker asserted, should not stand in their way in view of the importance of the subject.

Sir Muhammad Habibullah, replying, said that the Government of India were always alive to the sense of responsibility in the matter. Instancing recent cases in this connection, Sir Muhammad referred to the Indo-South African Agreement which would be regarded as a landmark in the history of the relations of the two countries. (Applause.) The Union of South Africa had, at the instance of the Government of India, withdrawn clause 104 from the Liquor Bill, even after its second reading. The Government of Natal had asked for the association of Indian officers to investigate the question of the educational needs of the Indian community there, while in Ceylon and Malaya conditions of work for Indian labourers had been made easier and the Government of India's labours had resulted in the introduction of standard wages, providing a sufficient margin for savings, sickness, old age, maternity relief, and facilities for the education of labourers' children, etc.,

Continuing, the Education Member alluded to the position in East Africa where the Hilton-Young Commission were investigating. The Government of India has deputed Kunwar Maharaja Singh and Mr. Ewbank and there was proof that they both rendered very useful help, so much so that the East African Congress passed a resolution thanking the Government of India for the help rendered.

Mr. Natesan had forgotten to mention that since August, 1925, the Government had added one special officer so as to enable the permanent official to devote as much time as possible to the important overseas question.

Sir Muhammad Habibullah promised that as soon as the preoccupations of the legislative session were over he would consider the suggestion of Mr. Natesan sympathetically, trying to steer clear of false economy and avoiding extravagance as to the method of giving effect to the suggestion. Sir Muhammad Habibullah wanted discretion and appealed to the Council to trust him and assured the House that the trust would not be misplaced.

Mr. Natesan withdrew the resolution in view of the sympathetic reply of Sir Muhammad Habibullah, but pointed out that the special officer should be made



permanent and that a special secretariat would cost only Rs. 30,000 which was a small fraction of Rs. 3,00,000 derived as emigration fees.

#### INCOME-TAX APPEALS.

Mr. P. C. Desikachari moved urging legislation with a view to the trial of objections to, and appeals against assessment by tribunals, presided over by judicial officers other than income-tax authorities. Explaining the present system, Mr. Chari condemned it as a travesty of justice and pleaded for a thorough overhauling on the lines of the English system. He referred to several recent judgments of High Courts in support of his resolution for impartial tribunals to adjudicate, between assesses and the income-tax authorities, who were interested parties.

Concluding, Mr. Chari declared, that the upper middle classes, not to speak of capitalists, were groaning under the crushing burden of the Income-tax department. He appealed in the name of British justice to impartially consider the motion.

Mr. Burdon, Finance secretary, strongly repudiated the charge that the Income tax department functioned in the interests of personal gain. It had been clearly laid down that collection of more revenue was not the ideal of the department. The Finance secretary also controverted the point of the Opposition that the income-tax authorities played the double part of judge as well as of defender. There was the right of appeal against the assistant commissioner on the point of law to the High Court, and even to the Privy Council. The department was thoroughly well qualified to carry on its duty.

Referring to the recent report made by Mr. Tottenham, member of the Central Board of Revenue, Mr. Burdon informed the House that the opinion of the Amritsar Merchants' Association and indeed, of the general commercial community was that the less they had to do with civil courts the better. He pointed out the inconvenience to parties caused by delays in the disposal of cases and increase in the expenses of assesses in the direction of lawyers' fees, etc. As among the objections to the proposal, he laid particular stress on the fact that during the pendency of appeals collection for taxes might be suspended resulting in loss to the revenue of Government. He endorsed Mr. Ram Saran Das's objection with regard to secrecy as to the income of the company or individual. The Finance secretary finally paid a tribute to the Central Board of Revenue for the improvements effected in the income-tax administration.

The resolution was lost by 11 votes against 19. The Council then adjourned.

#### INTERNATIONAL LABOUR CONFERENCE CONVENTION.

On the 20th MARCH Mr. Mc Watters, Industries Secretary, moved the Government resolution, urging that the draft conventions and recommendations of the tenth International Labour Conference be not ratified by the Governor-General-in-Council.

Mr. Mc Watters pointed out that the conference held in May and June last year had resolved that sickness insurance be made compulsory for the workers in industry and commerce and for domestic servants and for agricultural workers. It provided for cash benefit for any worker who fell sick for at least the first 26 week of incapacity and treatment by qualified medical men, the expenses to be met partly by the workers and partly by the employers. The Government of India, although their resolution was couched in negative terms, were by no means opposed to the principle underlying the conventions, but their difficulty was a practical one. The difficulty in this country was that agricultural labour was casual in nature, and there was absence in the districts of qualified medical men. It would be practically impossible in the agricultural areas to provide medical benefits. The Government therefore proposed to take steps only in consultation with the Local Governments who would shortly be addressed with a view to eliciting their opinion.

The motion was adopted and the Council adjourned.

## THE FINANCE BILL PASSED.

On the 22nd MARCH Mr. Ernest Burdon, Finance Secretary, moved the consideration of the Finance Bill.

Mr. Burdon pointed out that there were no proposals for new taxation, and that the Council was only asked to continue the salt tax, postage, etc., as adopted last year. The Finance Secretary knew that the majority of the members of the Council favoured the proposals.

Seth Govindas, on behalf of the Congress Party, reserved the right to oppose the Finance Bill in the last stage as they could not pass the Bill as long as the present constitution was not changed.

## MOTION FOR REDUCING SALT DUTY LOST.

Seth Govindas next moved for the reduction of the salt duty to eight annas per maund. He did not want to make a long speech, he said, because the subject had been discussed many times before. He asked the Government to accede to the wishes of the people.

Replying, Mr. Burdon said the merits and demerits of the salt tax had been exhaustively discussed. The duty had resulted in the remission of provincial contributions.

The amendment was negatived without a division.

## MOTION FOR QUARTER ANNA POST CARD REJECTED.

Seth Govindas next proposed the reintroduction of the quarter anna post card.

Mr. Kumar Shanker Roy Choudhuri supporting, suggested that the Telegraph Department be separated from the Postal Department. The former was running at a loss, and thus there was a heavy burden on the tax-payer. As a result, the richer classes who mostly used telegraphs, were deriving benefit at the cost of the poor classes.

Mr. A. C. Mc Watters, replying, said that the Posts and Telegraphs Department was a public service agency, and not meant for the imposition of any tax.

Mr. G. A. Natesan held that reduction in postage would only benefit businessmen like himself, and not the poor people. He therefore opposed the motion.

A division was called, and the amendment was rejected by 28 votes against 9.

Lala Ramsarandas made an unsuccessful attempt to reduce the rates on parcels.

## INCOME-TAX ON HINDU JOINT FAMILIES.

Mr. Kumar Shanker Roy Chowdhuri urged the modification of Schedule II to prevent income-tax from being levied on Hindu undivided families, and other unregistered associations of individuals.

Mr. Ernest Burdon said that the effect of the amendment would be that Hindu undivided families would not be taxed at all either on the joint income or on the income of the members received individually. The financial effects of the amendment would be great. Mr. Burdon also considered it unwise for the members to make such changes in the Finance Bill when the proper course would be to amend the income-tax law.

The motion was lost.

Seth Govindas urged that income-tax on individuals should be on income from Rs. 3,500 and above. His object was to give a much-needed relief to middle classes.

This amendment was also lost.

Lala Ramsarandas suggested the general lowering of the supertax, and sought to give relief to Hindu undivided families. His plea was that the Government had promised him last year that reduction of taxation would be seriously considered as soon as provincial contributions were abolished.

Mr. Burdon said the effect of the amendment would be to reduce revenue by 60 lakhs,

Sir Manmohandas Ramjee wanted that the question of supertax should be tackled wholesale.

Major Akbar Khan wanted to know whether the tax would be lowered at all.

Sir Annamalai Chettiar supported the motion, as under the present system the richer classes had been more heavily taxed than others.

Sir Arthur Froom pleaded for the policy of "wait and see" till next year.

The motion was lost.

Mr. :Kumar Shanker Roy Choudhri suggested another amendment to the Supertax Schedule, which was also lost.

The Finance Bill as passed by the Assembly was then put to vote.

#### SETH GOVINDAS OPPOSES FINAL READING OF THE BILL.

Seth Govindas started the opposition to the passage of the Finance Bill.

Seth Govindas said he knew that the Council, constituted as it was, would not throw out the Bill, but even if it did, H. E. the Viceroy would exercise the power of superseding their wishes.

Sir Arthur Froom : Then why do it ?

Seth Govindas : We are doing it to record our protest against the unsatisfactory manner in which Indian demands are treated.

Sir Basil Blackett had taunted Pandit Motilal for the latter's helplessness to start a revolution, but Seth Govindas declared that non-payment of taxes and revolution would in course of time follow refusal of supplies. Englishmen did not change their policy until they were compelled to do so. They lost America, and had practically lost Ireland. They had lost Egypt, and they would undoubtedly lose India if they continued in their obstinacy. In olden days, the best days of England were considered the best days of the Indian people. To-day there was a fairly large section of Indians growing who thought the worst days for England would be the best days for India.

Proceeding, Seth Govindas declared that the British had been exploiting the country for the last 150 years, with the result that the people were not getting sufficient food to eat. Epidemics raged unchecked. On the other hand, the expenditure on civil servants had increased at the cost of poor Indians. He asserted that the depressed classes would soon realise that they could not benefit by a foreign Government. The speaker concluded that even if the present Government had been a good Government, it could be no substitute for Self-Government.

Mr. Kumar Sankar Roy Choudhury supported the rejection of the Bill.

#### SWARAJIST WALK-OUT.

The Swarajist left the Chamber when the President declared the Bill carried.

#### OTHER BILLS.

On Sir Geoffrey Corbett's motion, the Council passed the Merchant Shipping Bill as passed by the Assembly, thereby vesting in the Central Government control of Mercantile Navigation and at the same time providing for the transference of control to certain Local Governments, especially in the case of small ports.

Sir Geoffrey Corbett assured that commercial bodies would be consulted as to the constitution of the Advisory Committees.

Before the Bill was passed, the Commerce Secretary expressed thanks to the local Governments for their help in his enquiry, which led to the enactment of this law.

The two Tariff Bills were then passed.

The Commander in Chief's motion for acceptance by the Council of the amendments made by the Assembly to the Territorial Force Bill and the Auxiliary Force Bill, was passed without a discussion.

This disposed of the business for the session, as far as the Council was concerned ; but the Council was adjourned provisionally till Wednesday the 28th. It did not meet that day as no amendments were made by the Assembly to the Chittagong Port Bill. Hence the Council adjourned *Sine die*.

# The Bombay Legislative Council

## THE GOVERNOR'S ADDRESS.

Addressing the budget session of the Bombay Legislative Council which opened on the 20th FEBRUARY 1928 H. E. the Governor of Bombay reviewed the important events of the past year.

After referring to the visit of the King of Afganistan, whom the presidency had had the honour of being the first to welcome on the start of his long and important foreign tour, His Excellency said that it was a matter of great regret that the agricultural season of the past year turned out even worse than had been expected. Part of the deficiency caused had been recouped in the present year but this increase had been discounted by the continued fall in the revenue from Excise and Stamps. The long continued depression in trade caused the Government much anxiety and they welcomed the signs of renewal of activity in the world trade.

Passing on to many obligations to which the Government were definitely committed, such as the primary education scheme and the hospital scheme, His Excellency repeated what had been said so often in the past, that unless there was revision of the provincial settlement in favour of industrial provinces, he could see little hope of continued progress, to which this province was entitled. There was nothing more disheartening than having year after year to exclude or curtail necessary expenditure on services so essential to the educational and economic progress of the presidency, and he trusted that the day was not far distant when a fairer share of the revenues raised within the borders of the province, would be at their disposal.

His Excellency then dealt with the Gujerat floods, the Back Bay scheme, road development and aviation, and went on to answer some of the criticisms passed against the Statutory Commission. "I notice," he said "that resolutions are already before the Council, and I want the honourable members to realise at once that while it would have been possible for me to disallow such resolutions under the Legislative Council rules, I certainly do not propose to do so as I welcome the fullest discussion on a matter of such import to the future of India in general, and of the Presidency of Bombay in particular. In the first place, let me say that I appreciate the sincerity of those, many of whom have rendered and are still rendering public services to India and whose opinions must carry weight, who have publicly expressed their opinion that the Commission is unwelcome, because no Indian is a member of it. I notice that the question is often asked by them, and others whether there are no Indians fit to sit on such a Commission so vital to the interests of India. That, I venture to say, is a question which cannot be seriously addressed to anyone with any knowledge of India and of the work of Indian politicians and statesmen who have already shown their worth in so many spheres of public life and political activity. I would suggest that any such idea in considering the personnel of the Commission should be at once put on one side and that the appointment of the Commission should be considered from the strictly constitutional point of view."

After detailing the procedure to be adopted by the Commission, His Excellency observed :—I feel sure that the proposals offer the foundations of understanding on terms which could be acceptable to both sides. I, therefore, would urge those friends of mine who are of the opinion that the Commission should be boycotted, to reconsider the position which they have taken up in the interests of the country, of which they have done so much and for which they can do so much more."

Speaking with some experience of Parliament, His Excellency said if he admitted that India and her aspirations were misunderstood and were not fully realised by British politicians, he asked himself how much more would they be misunderstood if the representatives of all the three political parties in Britain, appointed with the full approval of respective leaders and the following of those parties, were handicapped in their work by the decision of the responsible Indian politicians to

have nothing to do with their work. "At the risk of being personal in anything, I may say, I hope you will believe that I am one who sees for India a great future under the control of Indians, with such assistance as she desires from and which will be willingly given by Europeans, who have done so much to set her on the path of self-government. I am anxious, above all things, that the clock of progress shall not be set back, and that there shall be no unnecessary obstacle placed in the way to impede that progress. But I confess, that to my mind, any such action as is contemplated may retard the fulfilment of the natural aspirations of those with whom I am in close sympathy, and towards whose patriotic ambitions I have endeavoured in my time out here to give what encouragement lay in my power."

With his knowledge of Parliament, he was fully assured that no affront was intended to Indian sentiment, and His Excellency hoped that it was not too late for some mutual understanding to be arrived at.

#### SWARAJISTS' ABSTENTION

The Swarajists were absent in pursuance of the resolution adopted by them just before the session to keep out during the Governor's address and the presentation of the budget.

#### BUDGET PRESENTED

The Finance Member then introduced the Provincial budget statement for the year 1927-28.

It shows that the anticipated revenue deficit at the close of 1926-27 rose from Rs. 75 lakhs to Rs. 92 lakhs. The total revenue for 1928-29 is estimated at Rs. 1,526 lakhs and the total expenditure at Rs. 1,560 lakhs.

In estimating the revenue, it has been assumed that the Stamp and Court Fees Acts would be renewed and that a sum of Rs. 37 lakhs, being the provincial contribution still due to the Government of India, and included under expenditure, will be remitted this time in full.

Sir Chunilal Mehta, in his speech introducing the budget estimates, said that the year 1926-27 closed with a revenue deficit of 92 lakhs, the agricultural season turning out considerably worse than the unfavourable anticipations made at the budget time. Suspensions and remissions were freely given both in the Presidency proper and in Sind—the collection showing a drop of 56 lakhs in the current year. The damage done by floods to Khariff crops in Guzerat and Sind was serious. Resowing was necessary over a large area. Had the conditions not improved in Guzerat after the middle of August, the prospects would have been dark indeed. The damage to land due to silting had not turned out as serious or as extensive as was originally feared. 10 1/2 lakhs had been spent on free grants, and for advances. The Council had sanctioned 80 lakhs from the Famine Fund, and 63 lakhs from the balances. In addition, 3 1/2 lakhs were spent for repairing roads and buildings, and Rs. 2 1/2 lakhs on tanks and embankments.

#### TRIBUTE TO FLOOD RELIEF WORKERS

Speaking about the evidence of the self-sacrificing social work rendered by volunteer workers during and after Guzerat floods, Sir Chunilal said, "It must be a matter of intense satisfaction to Mahatma Gandhi, that his labours for the creation of a band of selfless workers to be pioneers of missionary social activities particularly in rural areas, have met with ample response; and that the volunteers mostly drawn from the Vidyapith should have acquitted themselves so creditably in the absence of their beloved leader, in the face of an unforeseen calamity. How the mantle was at once taken by Mr. Vallabhai Patel and with what energy he carried out the plan of work, is now well-known. These workers belong to the old school of "No-Changers"; and it is gratifying that they felt this was no time to oppose or keep aloof from the Government. I trust that their experience has not been unpleasant. Occasions of disagreement have been very few; and the officers who had striven zealously in the work of relief have welcomed the assistance, and have endeavoured as far as possible to meet the request of the unofficial workers. It is my sincere hope that the atmosphere for missionary service created by Mahatma Gandhi will be permanent, and that there will be many occasions, but not of this unfortunate character, for Government and non-officials, to work for a common

purpose: for it is by this alone that the true interests of people can be properly served."

Continuing Sir Chunilal alluded to the decrease of revenue from Excise and Stamps, the latter due to the depression in trade. It was proposed to borrow 272 lakhs for Sukkur Barrage, and 77 lakhs for Development schemes next year. The total borrowing for the next year would amount to 4,235 lakhs.

#### DISCUSSION ON BUDGET

Next day, the 21st FEBRUARY, the Council discussed the Budget. Non-official Members took the entire day to themselves, and combined to deliver a strong attack on the administration.

A common target of attack was what was described as the progressive starvation of the transferred and nation-building departments, while the reserved half was absorbing more and more of the revenues. The deficit of 34 lakhs shown in the Budget, it was declared, did not represent the actual state of the Presidency's finances, unsatisfactory as it had been pronounced to be by the officials themselves. To that sum had to be added Rs. 30 lakhs under the head of "Famine Fund" which had not this year been provided, as also the deficit sum of about 42 lakhs' deficit in the Development Department.

The Development Department also came in for severe strictures at the hands of the members. The Government were however credited with having learnt much from the sad experience of the Back Bay, and with greater care in carrying out the Sukkur Barrage Works.

Mr. Lalji Naranji, one of the members who examined these works recently testified to this change for the better in the attitude of the administration, and expressed the hope that the Lloyd Barrage would not be attended with the same disappointing result as the Backbay scheme.

The question of the Statutory Commission was also introduced by some who warned the Finance Member against expecting, as he had done, any relief in the matter of financial stringency as a result of the labours of the Commission. There was not a single financier on that body which was the instrument of a nation, whose object was not the enrichment of India, but of themselves.

Questions like the Meston Award, it was asserted, were not likely to be tackled by the Commission. The Bombay Government were not going to get any better treatment from it, than from the Government of India.

Resentment was also expressed at the provision of Rs. 50,000 for Mr. Wadia, appointed Secretary of the Commission, before the House had had an opportunity of expressing its opinion.

Non-official criticisms of the budget proposals of which some more was heard on the next day, the 23rd FEBRUARY, were answered on behalf of the Government by the Minister for Local Self-Government, the Home Member and the Finance Secretary. Figures were quoted and compared to establish that on a subject like the Police, the Government were proposing to spend during the coming year over six lakhs less than in the pre-Reform days.

Under Education, Agriculture and other Transferred heads, expenditure was sought to be considerably increased.

The Minister for Local Self-Government assured the House that he himself and his colleagues on the Transferred side were trying to get more and more from the revenues, though they were not satisfied with the measure of success attending their efforts.

The Home Member declared that the expenditure on Police had been brought down to the lowest possible limit, and that no further reduction was practicable unless the nonofficial benches wanted the pay of constables to be reduced.

#### STATUS OF MINISTERS

"The Bombay Government have not examined the effects of the constitutional Reforms of 1919 on the efficiency of the administrative machine", said Sir Chunilal Mehta, Leader of the House, in reply to a question when the Council met again on the 23rd FEBRUARY.

Sir Chunilal refused to lay on the Council table all the statements or written evidence which they intended to present before the Statutory Commission under the Government of India Act. He admitted that Mr. N. J. Wadia had been appointed on special duty for the collection of materials to be placed before the Commission, and that the Government had issued instruction to Mr. Wadia as

regards the questions on which materials were to be collected and the method he should adopt in collecting them. After these materials had been collected, the Government would lay down the policy.

The Leader of the House could not also comply with the request to place on the Council table the instructions issued to Mr. Wadia.

Other questions elicited information regarding the rights, privileges and official status of the Ministers and the Executive Council members.

Sir Chunilal Mehta declared that, generally speaking, the Ministers and Members of the Executive Council enjoyed the same rights and status, subject to the provisions of the Government of India Act and the relevant rules and to the differences arising therefrom in their constitutional position and responsibility to the Legislative Council.

The Ministers attempted to answer some of the criticisms against the administration of their portfolios.

The Excise Minister expressed his readiness to accept all reasonable suggestions, and invited the non-official members to point out mistakes.

Mr. K. F. Nariman interjected "And be prosecuted for it." (Laughter.)

Mr. Nariman joined in the discussion and made a deadset against the Development Department, whose activities, he affirmed, were the prime cause of the present state of the provincial finances. He also strongly criticised the official benches for not supplying the House with audit reports on the budget.

The House rose for the day after the reply of the Finance Member who made an impressive speech which ended with a distinctly optimistic note. He admitted that the Development Department was one of the causes of the present state of finances, but a more active cause was the Meston Settlement whereby the province was deprived of its legitimate revenues which could have gone to feed the nation-building departments. But, in spite of these handicaps, the province was as far away as possible from the despondent description given by the non-official side.

#### STAMP ACT AMENDMENT

On the 24th FEBRUARY, the Council discussed the Government Bill to amend the Indian Stamp (Bombay Amendment) Act of 1922. This Act was passed in 1922 to enhance the stamp fees in certain cases for the purpose of increasing the revenue. It was to remain in operation for four years, at the end of which its life was to be extended if the financial position rendered such extension necessary. Accordingly, it had been so extended during the last two years, each time for a year only. The result of six years' experience had, according to the Finance Member who moved the Bill to-day, proved the necessity of the retention of the revised scale under it. He requested the House to place the Act permanently on the statute book, and explained the necessity of such a source. Following consultations between the Central and Provincial governments a large majority of the latter had agreed to accept the the Taxation Enquiry Committee's recommendation that revenue from non-judicial stamps should be handed over to the Central Government, who in return should give its share of the income-tax. In order to make this share of income-tax as big as possible, it was necessary to show that revenue from stamps was proportionately large and permanent.

#### NON-OFFICIAL OPPOSITION

That reasoning did not meet with the acceptance of a large section of the House who took the Government severely to task for not retrenching the expenditure to the extent that was possible, and declared that without any attempt at such retrenchment they were not prepared permanently to place any more monies at the Government's disposal.

Eventually the Finance Member agreed to the extension of the Bill for a year. The House assented to this and passed the Bill by a large majority and then adjourned.

#### COURT FEES ACT AMENDMENT

On the 25th FEBRUARY two more money Bills were considered by the Bombay Council. The first Bill was to amend the Court Fees (Bombay Amendment) Act of 1926 passed as a revenue measure in that year to remain in operation for two years, at the end of which the desirability of its continuance was to be considered.

The Finance Member introducing the Bill declared that the last two years' experience had proved the necessity of retention of the revised scale of court fees under the Bill, and said that it was desirable to make it permanent.

The proposal evoked a spirited opposition from a large section of non-officials, who repeated their arguments against giving any more money to Government as long as the latter had not cut down expenditure to the lowest possible limits. The Finance Member at the end of over two hours' discussion, announced Government's willingness to accept the tenure of the Bill for one year.

The House thereupon passed the Bill, after throwing out an amendment to refer it to a select committee.

#### LOANS TO NON-AGRICULTURISTS

The second Bill was designed to provide for the grant of loans by the Government to non-agriculturists for relief of distress. The Government's object as explained by the Revenue Member, who moved the Bill was to advance loans to persons to whom loans could not be granted under the Agriculturists' Loans Act 1884, and to provide that such loans should be recoverable expeditiously as arrears of land revenues without recourse to civil courts. It was also proposed to give a retrospective effect to the Bill so as to apply to the loans granted since August 1st 1927 for the relief of the distress caused by floods in Gujerat.

The House rose before the measure could be fully considered, but it was taken up on the next sitting day, *i.e.*, the 27th FEBRUARY when after further discussion it was passed.

#### SUPPLEMENTARY GRANTS.

Demands for supplementary grants then followed and a number of them were quickly voted till one for Rs. 34,450 under Excise was reached.

This provoked a keen debate, to which the Excise Minister made a reply explaining the Bombay Government's relations with certain neighbouring Indian States in the matter of Excise. Indian States whose Abkari administration, said the Minister, was managed by the Bombay Government were as a rule paid a provisional sum fixed with reference to the average revenues for the three years preceding the commencement of the current lease. This payment was subsequently adjusted with reference to the actual revenue realised. The amount of Rs. 30,450 demanded represented the excess in the current year. This arrangement between the Bombay Government and the States, the Minister further explained, was in furtherance of the Government's policy of prohibition. Under the arrangement, the States were forbidden to manufacture liquor so as to obviate the possibility of such liquor crossing the border into British India and lowering the price and thereby counteracting the effects of Bombay's policy of prohibition. It was in consideration of the fact that the States were deprived of the benefits of the manufacture of liquor in their borders that the Bombay Government agreed not to deduct from the amount payable to the States any charges for management.

The House finally passed the grant.

The next demand for Rs. 57,000 for the gain on liquor (the difference between the rate for supply of liquor charged to retail vendors and the cost to the Government) being handed over to States under the arrangement with them, came in for criticism from the non-official benches. It was contended that by following the policy of rationing in the presidency and paying larger and larger amounts to the States as a result of increasing consumption within their borders, the Bombay Government were losing both the revenue and the benefits of prohibition. The grant was eventually made.

#### VOTING ON BUDGET GRANTS.

The Bombay Development Department came in once again for considerable criticism at the hands of the Opposition members, when the Council reassembled on the 28th FEBRUARY to consider the budget grants.

Mr. K. F. Nariman moved a cut of Rs. 1,79,000 in the demand for 41,79,000 under "Suburban Development Schemes." Having decided to wind up the Development activities as a whole and having to some extent carried out the decision why, he asked, were the Government continuing that part of it relating to suburbs? The continuance of this section, he asserted, was a source of considerable hardship



to the suburban residents. For instance, this department levied on them Re. 1 for 1000 gallons of water which it had purchased from the Municipality at annas five only.

Mr. Nariman's motion was strongly supported by non-official members who declared that the establishment charges could easily be reduced by the amount of the proposed cut.

The General Member replying to the debate, assured the House that the Government were seriously considering the abolition of the Development Department. The works would be taken over by the Revenue Secretariat and other departments. This would probably mean strengthening of these departments.

The General Member however announced that he would accept the cut if the Opposition would assure him that they were prepared to vote for a supplementary grant if necessity arose next year.

The motion for the cut was put to vote, and unanimously adopted.

Another cut of over 2 lakhs under the Development Department was moved by Mr. Nariman. In the course of the discussion on it, reference was made to the accident which overlooked the dredger "Sir George Lloyd" about a year ago, resulting in its total breakdown.

The Secretary to the Department explained that the dispute between the Government and the Insurance Company over the liability had been settled and that the Company had agreed to pay the amount of Rs. 2,63,000 the estimated damage. On this assurance the motion was not pressed.

Moving a cut of Re. 1 in the total demand under the department, Mr. J. C. Swaminarayan raised a full-dress debate on the general policy of the department. It was pointed out by its supporters that the motion was intended as a censure not only on the department, but on the Government as a whole. It was asked what the Government had done after the disclosures in the Harvey-Nariman Case. What had they done to bring to book the officers of the department who had been proved in a court of law to be corrupt? What had they done to safeguard against recurrence of such instances of corruption in future?

Discussion had not concluded when the House rose.

#### MR. SWAMINARAYAN'S CENSURE MOTION

On the 29th FEBRUARY the House further discussed the censure motion moved by Mr. J. C. Swaminarayan in the shape of a token cut in the total demand under the Development department. A number of further charges against the department were again made, and it was declared that any number of departmental enquiries would not satisfy the House. For the good name of the Bombay Presidency and the Government, it was necessary that a non-official committee of the House should immediately be appointed to investigate the charges. If such a committee was agreed to by the Government, the purpose of the censure motion would have been served, and the Opposition would be prepared to withdraw it.

Immediately this compromise was suggested, the Government and the non-official whips became busy and brisk lobbying started between the two sides, with a view to come to an agreement on the committee and its personnel.

Mr. Lalji Narainji, Member, Public Accounts Committee, declared that even after all the revelations in the Backbay Libel Case, the Government were trying to prevent Mr. Harvey from appearing before the Committee when it wanted to examine him with regard to certain charges.

Replying to the debate, the mover of the cut, said he agreed to the appointment of a non-official committee to inquire into the department. If the proposed committee were given sufficiently wide terms of reference, and allowed to enquire into the department from its inception and if the witnesses appearing before it were given full protection, he would accept it and withdraw his motion.

#### GOVERNMENT'S REPLY TO THE DEBATE

Sir Cowasji Jehangir (General Member) in reply to the debate on the Development Department narrated in brief the steps which the Government had taken since 1921 when allegations of corruption were first brought to the notice of the Government. He further said that twice the Government had appealed to Mr. Nariman "the only man in Bombay who could really throw some

light on the affair" to assist the Government in getting at the truth, but he regretted Mr. Nariman had refused the offer.

Mr. Nariman :—State my reasons for refusal. Be fair to me.

The General Member :—Whatever may be your reasons you refused the offer. The only course left to the Government to find out the whole truth was to compel Mr. Nariman to vomit out the information in his possession by permitting Mr. Harvey to prosecute him in a court of law. The Government was actuated by no other intention in allowing the prosecution of Mr. Nariman, except that of getting at the truth. Was Government wrong in taking that step and was it not due to that prosecution that more disclosures had come to light than otherwise? The General Member concluded by accepting the non-official suggestion for an independent non-official committee to enquire into the whole affair and to advise the Government as to the future course of action. The members of the Committee would be Messrs. K. F. Nariman, Lalji Naranji, [Hussein Bhoj Lalji and Moulvi Rafiuddin Ahmed. He said he could not accept more names as the Committee would be unwieldy; but at the suggestion of Mr. Pahalajani, he consented to Mr. K. M. Munshi's name being taken up.

As the non-official members were satisfied with this, Mr. Swaminarayan withdrew his motion. The House then adjourned.

#### GRANTS FOR IRRIGATION WORKS IN SIND

On the 1st MARCH three more cuts in the budget grants were considered by the Council. Two of them related to Irrigation works in Sind. The whole of the Sind block was united against the provision of Rs. 60,000 for construction of regulating gates. Their chief contention was that with the provision of such gates, regulation of water-supply would be placed in the hands of subordinate officers of Government. Sind zamindars, it was declared, were entirely opposed to such proceedings.

Considerable amusement was caused when a number of Swarnajists expressed themselves against the cut, and were twitted with breach of their policy of uniform opposition to the Government. The House then rose for the day.

#### SUKKUR BARRAGE SCHEME

2nd MARCH. More than one member of the Council to-day stumbled over the word "cusec" and perpetrated some howlers in attempting to define it. The word was introduced in the course of the discussion on the motion for the omission of Rs. 60,000 provided for constructing regulating gates to the Kharias canal in Sind.

One member thought, to the great amusement of the House, that "cusec" was a unit of land measurement, while another fancied that it had something to do with Quebec.

One European member, in view of his difficulty suggested that an authoritative definition of the word should be given for the benefit of the members. This responsibility none seemed anxious to shoulder.

The President said perhaps the House could be enlightened by the General Member, who however assured the House that the Chief Engineer in charge was a better authority.

The Chief Engineer did not appear to be in a hurry to take the hint; and in the end the word went unexplained.

The general policy relating to the sales of Sukkur Barrage land was discussed for the rest of the day on a motion for a reduction of 10 lakhs in the demand for over 2½ crores under the head, Sukkur Barrage. The principal point to which much of the criticism from the Opposition benches was directed, was the proposal of the Government to sell 3 and half lakhs of acres of the Sukkur Barrage land to zamindars at a cost of 15 rupees per acre. This, it was argued, meant merely giving the whole land away for nothing, since the price of the land even at the present time, when the water-supply was uncertain, was nearly 200 rupees an acre, and the rate was certain to go up much higher when, with the completion of the Sukkur Barrage Project, a perennial water-supply would be assured.

This criticism was answered on behalf of the Government by a statement that the zamindars enjoyed certain rights, in consideration of which the Government had to give them land at a low rate. The revenue from the rest of the reclaimed land, it was also stated, would make up for whatever loss might accrue in this way.

Further discussion was adjourned till next day. the 3rd MARCH when

it was argued that by the terms of the Government resolution of 1923 on the subject, such a large block of land was reserved, and not intended to be given away.

This contention was replied to by the Revenue and General Members, who stated that 3 and half lakhs of acres represented land which according to the system prevalent in Sind had been forfeited as it had lain fallow for a long time, but which had to be returned to the former owners as soon as they were in a position to pay assessment on it. It was this restoration which the Government proposed to carry out on the competition of the scheme. The proposals have been sanctioned by the House in 1923 and approved by the Secretary of State.

The cut of 10 lakhs under the Sukkur Barrage which provoked discussion, was finally thrown out.

### THE UNEMPLOYMENT QUESTION

Mr. Nariman sought to raise a debate on the unemployment problem when the demand of Rs. 12,000 provided for European vagrants came up; but in view of the numerous point of order raised, the President suggested that Mr. Nariman and the Finance Member should privately consult each other, and come to an agreement on the advisability of raising a debate. The House then adjourned.

### APPOINTMENT OF WATER-DIVINER

On the 5th MARCH the question of the appointment of a water diviner to the Government of Bombay, which from the beginning has been the subject of strong non-official opposition, was again raised. In the course of the debate on Government's famine relief policy, Rao Bahadur Kale asked if it was in order that the salary of Major Pogson, Water Diviner, was non-votable, while the appointment was temporary and provision for his staff was sanctioned year after year by vote of the House.

The Finance Member replying to the point read out the correspondence on the subject between the Government of Bombay and the Government of India, in the course of which the latter had definitely held that, as Major Pogson had formerly been an army officer, his salary was non-votable. In view of the constitutional difficulties of the question, the President reserved a ruling on the point.

### TRIBUTES TO LATE LORD SINHA

When the House met after tea, the President referred to the loss caused by the death of Lord Sinha. "We have lost," said the President, "an eminent lawyer and the first and foremost citizen of India, whose merits were recognised by the Home Government and the Government of India." All sections of the House associated themselves with the President's words, after which the Council adjourned.

### THE BARDOLI SATYAGRAHA

On the 7th MARCH the President of the Council disallowed Mr. Swaminarayan's motion for the adjournment of the House to discuss the situation in Bardoli resulting from the breakdown of negotiations between the Government and the agriculturists there on the question of increased revenue assessment.

The President held that the matter was not of recent occurrence, since the assessment was enhanced in July last; and in his view there were no negotiations in the matter. He however suggested that the question could be brought up when the land revenue demands came for consideration. Priority might be asked and obtained for one of the several non-official resolutions tabled on the question.

### WATER-DIVINER'S SALARY

The President also gave his ruling on the point of order questioning the propriety of classifying the salary of Major Pogson, water diviner of the Bombay Government, as non-votable. He pointed out that last year, during the course of the budget debate the question of Major Pogson's appointment arose. The reason had been given that Major Pogson was an Army Officer holding the King's Commission. The President assured the House that it had not been deprived of any privilege, because according to the agreement between the Government and Major Pogson, immediately the House disapproved of his appointment, his service would be terminated without notice to the Army Department.

The token cut in the demand under Famine Relief, which evoked a discussion on Major Pogson's services, was thrown out.

### INDUSTRIAL HOUSING SCHEME

Mr. Nariman moved the omission of the total demand for establishment under "Industrial Housing Scheme." The amount invested in the scheme, declared the mover, was 4 1/2 crores giving a return of about 3 1/2 lakhs annual rental, or hardly 1 per cent. Would the directors of any commercial concern dare to face the shareholders with such a balance-sheet? Mr. Nariman suggested that the only way to put an end to further losses under the scheme was to transfer all chawls to the Municipality, P. W. D. or railway, to find out other ways to dispose of them.

Supporting the motion, the representative of the Mill-owners' Association urged that the cotton-cess should proportionately be decreased. It might be possible, he thought, to induce the workers to occupy the vacant chawls in larger numbers, if the municipality insisted on the improvement of sanitary and other conditions. Further consideration was adjourned.

On the 8th MARCH replying to the debate on Mr. Nariman's motion the General Member stated that at the time of the inception of the scheme the House had been fully informed of the losses which had to be expected. In view of the crying need for the housing of the working classes, the scheme was agreed to. He had been informed that the supply was greater than the demand at present in the matter of housing, because no fewer than 1 1/2 lakhs of workmen had left Bombay since the completion of the chawls. He contended that the establishment charges were already reduced to a minimum.

Mr. Nariman's motion was put to vote and negatived.

Mr. Nariman then moved a censure motion against the Bombay Development Department and proceeded to make allegations of favouritism and corruption.

The representative of the Chamber of Commerce raised a point of order, asking if in view of the appointment of a non-official committee earlier in the session to inquire into the charges against the department, Mr. Nariman could deal with the matter and take up the time of the House.

The President ruled that the mover was in order, as he was speaking on a censure motion.

The General Member announced that the Government had made arrangements to ascertain the truth of Mr. Nariman's statement that some chawls built by one "favoured" contractor were smaller in dimension than the original plans.

The censure motion was put and lost, a large number of non-officials remaining neutral, as they appeared to think that having obtained a non-official committee to inquire into the allegations, the censure might be regarded as prejudging the issue.

### VOTING UNDER DEMAND FOR GRANTS.

On the 9th MARCH a number of suggestions for improvement of roads in the Presidency were made in the course of the discussion on a cut under "Civil works."

It was proposed that all except trunk roads should be brought under the control of local boards and that the policy of road development should be co-ordinated by a central body, composed of representatives from the four divisions of the Presidency.

The Minister for local self-government, replying, pointed out that the central body demanded in the course of discussion was already present in the Road Board, which fully represented all parts of the presidency, and this organisation would consider the proposal of transfer of the control of roads to local bodies.

The cut was thrown out.

Discussion of the problem of unemployment was raised when a cut in the demand for the Labour Office came up.

Mr. Nariman, supporting the cut, pointed out that there was racial discrimination in the administration of the Vagrancy Act in the presidency. The benefits of the Act, he declared, went only to European vagrants, who were defined as Europeans born outside India, so that even Anglo-Indians were shut out.

Mr. Nariman assured the Government that Indians did not desire to make a grievance of discrimination in the matter of help for the helpless, but only insisted

that similar assistance should be extended to Indians also. He suggested the starting of an organisation to act as a medium connecting the unemployed and the employers.

Other speakers proposed, as steps towards unemployment relief, the introduction of technical and industrial education, and the helping of small cottage industries. The Labour Office, it was pointed out, should also help in settling industrial disputes and suggesting labour legislation.

Further discussion was taken up on the next day, the 10th MARCH when the General Member, replying, said that what the Government could do to relieve unemployment was being done. The problem was one which related only to the Labour Office or any one department of the Government, but to all departments. Every enquiry on the question in India and abroad had resulted in discovery that middle class unemployment could only be remedied by changing prevailing system of education and by devoting greater attention to technical education. The motion for the cut under the Labour Office was put and defeated.

#### DISCUSSION ON GRANT FOR INDUSTRIES DEPARTMENT

The motion for the omission of the whole demand for the Industries Department, which followed, drew forth bitter criticism of the Government's policy in regard to indigenous industries.

The provision of one lakh of rupees for the department for the coming year was declared "shamefully inadequate" for the province. The representatives of the Indian Merchants' Chamber, the Mill-owners' Association and the Bombay Chamber of Commerce supported the cut, and strongly urged the abolition of the department unless adequate funds were provided to run it efficiently.

The Finance Member replied to the criticisms, and pleaded that the House should not agree to the destruction of the department, which it would be very difficult to revive afterwards. The smallness of the provision, he declared, was due to the financial stringency of the presidency, and to the persistent demand for retrenchment in season and out of season made by a section of non-officials. It was the result of this attitude, that the provision for the department which in 1924 exceeded two lakhs, had dwindled to 1½ lakh at present.

Further discussion was adjourned till the 12th MARCH when the Government were charged with starving the department and of ignoring the important recommendations of the Industrial Commission, especially, those relating to industrial survey, research and organisation of markets for local products. Instances were cited such as ground-nut oil, pulp, sugar, and match industry, which it was declared, had not been allowed to develop to the fullest extent.

The Home Member dramatically interrupted one non-official speaker, and declared with a bang on the table, that the statement, repeated times without number, that the thumbs of Bengal weavers were cut off in order to kill the industry, was absolutely unfounded.

The Minister in charge of the Department assured the House that during the year numerous inquiries would be conducted into the tanning and handloom industries, and immediately a Director of Industries was appointed, he would institute an industrial survey.

The Minister repudiated the charge of favouritism to the Swedish Match Syndicate and declared that virtual monopoly for softwood in the Presidency was secured by an Indian member of the House. The mover withdrew the cut and the house adjourned.

#### THE EDUCATION DEMAND

On the 13th MARCH the Government suffered the first defeat this session when the motion for a cut of Rs. 100 in the demand under Education was passed by 34 to 30 votes.

The object of the motion, as explained by the mover, a nominated representative of Labour, was to protest against the increase of fees in Government Colleges, and secondary schools in the presidency.

The cut was widely supported by non-officials, who contended that the increase would hamper the spread of education, especially among the poorer classes.

## BARDOLI SATYAGRAHA

Calling on the Government to play the game, and not try to evade a division by taking up the half hour before the fall of the guillotine, Mr. Nariman moved a token cut in the demand under the Revenue Department in order to draw the Government's attention to the Bardoli Satyagraha.

This motion, it may be remembered, was in accordance with the suggestion which the President made, while ruling out some days ago an adjournment motion on the same subject.

The mover declared that if the Government failed to take up the challenge, the verdict in and outside the House, would naturally and rightly go against them.

The Revenue Member said the Government would not take the verdict of the House, whatever it be, as the final word on the question, which had far-reaching issues.

The Secretary of the Department answered some press criticisms on the subject. The discussion was taken up to the time limit of five, when the motion was put and lost by 44 to 35 votes, the non-Brahmin block remaining neutral, and the Sindh Mussalmans supporting Government. All the remaining demands were guillotined.

## GRANT FOR LIBEL CASE EXPENSES

On the 14th MARCH the General Member moved a supplementary demand of Rs. 60,800 to be paid according to the Government resolution to Mr. Harvey against whom Mr. Nariman had failed to prove the charge of deliberate alteration of indent for mild steel bars and corrupt and dishonest motives in order to profit the manufacturers.

Mr. Nariman raised a point of order arguing that the amount represented expenditure already incurred and should not therefore be subject to a supplementary demand. Mr. Nariman contended that the amount should have been provided in the current budget.

Replying, the Finance Secretary stated that the contingency arose after the judgment in the case in January 1927. It was the judgment that decided the issue for the purpose of the Finance Department.

The President accepted the latter argument and ruled that the demand was in order.

The General Member, speaking in support of the motion, narrated the circumstances leading to the launching of the prosecution and stated that the Magistrate held that Mr. Nariman had failed to prove a corrupt ulterior motive in the alteration of the Government resolution, the cost should be reimbursed to Mr. Harvey.

The principal argument on the non-official side against the motion was that Mr. Harvey had not been exonerated.

## MR. NARIMAN OPPOSES THE MOTION

Mr. Nariman who spoke for over an hour and a half elaborated this argument. He first contended that his prosecution was not a *bond fide* one but intended to persecute a political opponent, and quoted in support of his contention from the Government letter inviting him to supply them with facts as regards the corruption in the Department. The Government explicitly stated in the letter that he had only to give them information and that responsibility to investigate and prove or disprove it would shift to an impartial tribunal which would be appointed. He accepted the invitation, and placed the facts before the Mears Committee. The Government went back on their word, and ordered his prosecution.

Referring to the charge brought against him, Mr. Nariman declared that the Magistrate held that there was no necessity at all for the large quantity of mild steel bars ordered by Mr. Harvey, but that a desire to profit the manufacturers to get commission, which were Mr. Nariman's inferences, might be one but not the only reason for Mr. Harvey's action. The Magistrate had also held that Mr. Harvey supplied false information to the General Member for answering interpellations in the Bombay Council regarding the ordering of mild steel bars. Mr. Harvey's action in placing the order locally had been censured by the Secretary of State, as it involved a loss of Rs. 4,6000. All these facts, Mr. Nariman declared, were sufficient to prove the enormity of Mr. Harvey's offence. But the speaker was in a position to make other charges against Mr. Harvey which had not been admitted by the

Magistrate, as they were outside the charges relating to mild steel bars. Mr. Nariman proceeded to deal in detail with these other charges. First, Mr. Harvey's estimate was prepared by a "favoured" contractor, according to which some chawls built were actually small in dimensions than the original Government plans. Mr. Nariman challenged the Government to disprove by actual measurement even to-day the truth of his statement. As the speaker went on to refer to the other charges, the President intervened, and said he has been given sufficient latitude and should conclude his remarks in five minutes.

Mr. Nariman wanted half an hour more, and said no time limit could be fixed to speeches on supplementary demands.

The President declared that the conduct of the discussion was in his hands. He had the right to regulate it. He could not give more than five minutes.

Mr. Nariman bowed to the ruling under protest. It was not constitutional, he said, and added that he did not wish to speak further. The House then adjourned.

Next day, the 15th MARCH the Advocate-General explained the legal position regarding the cost of the Harvey-Nariman case. The Magistrate held that Mr. Nariman's plea of justification for the allegations had failed. It was useless to argue that a fact here or a fact there had been proved. The Advocate-General further contended that the Government resolution was based on the Government Servants' conduct rules and the Government had under them power to pay the whole cost themselves unconditionally. Besides it was the duty of every Government, even of a Swaraj Government, to protect its servants. (A voice: Not dishonest ones).

Mr. B. Petit, representative of the Mill-Owners' Association, speaking from the stand-point of a layman, declared that Mr. Harvey had not come out of the case quite innocent. To laymen it appeared that the Magistrate had found many allegations proved. To a layman, again, it was a puzzle to find that neither the complainant nor the defendant was found guilty. It was necessary therefore to clear up by a reference to the High Court the question who should bear the cost of the case.

Other non-official members opposed the motion and asked if the House would accept the suggestion of the Advocate-General that because the Government, in the exercise of its executive authority, issued the resolution, the legislature was bound to accept it as the last word. Another constitutional question realised was whether if a member of the House, in the discharge of his duties to his constituency, made allegations against the Government servants, the Government was justified in penalising him.

The General Member, who replied to the debate, had to face continuous interruptions and ironical cheers. Answering the argument that the Government ought to have obtained the previous consent of the House before sanctioning the prosecution, he declared that if that procedure was adopted on every occasion there would be no Government. The question of privilege did not arise in the present instance. Mr. Nariman was prosecuted not because he made allegations in the Council but because he made them outside before the Committee.

The demand for Harvey's cost Rs. 69,800 was put, and carried by 63 votes to 36, the Sindh Mussalmans solidly voting on Government side.

### SIND FEEDER RAILWAY SCHEME

On the 16th MARCH after disposing of a few supplementary grants, the Council discussed the Government resolution moved by the Revenue Member recommending that the Governor-in-Council do accept the guarantee required by the Railway Board against loss in the working of the proposed Sind Feeder railway, the guarantee being Rs. 4 lakhs a year for the first five years after opening. Thereafter the actual loss in working would be subject to a maximum of Rs. 2 lakhs a year, these amounts being repaid by the Bombay Government with interest, should the line subsequently prove remunerative.

A number of objections were urged to the proposed railway. The first objection was that it would run parallel to the North Western railway for 130 miles at no point further than 15 miles away. The second objection was that the success of the proposed line of 162 miles, costing about 98 lakhs depended on the success of Sukkur barrage, which was problematical. The third objection was that the time had come when railway construction and administration should be placed in charge of local boards and not in the hands of the Railway Board. Lastly it was

declared that in view of the proposal for the separation of Sind, the railway scheme should be undertaken by the Bombay Government.

The Revenue Member drew attention to the effect the projects would have in greatly enhancing the market value of unoccupied land served by the railway. This, he declared, should be the most important consideration.

The resolution was passed. The House then proceeded to elect the Finance Committee and the Railway Advisory Committee and then adjourned.

#### UNIVERSITY BILL CONTROVERSY

The tussle over the Bombay University Bill began afresh on the 19th MARCH when the Council held its last meeting of the Session.

The Legal Remembrancer moved an amendment in the form of an additional sub-clause to the clause relating to the appointment of Visitor.

By this provision, the giving of the power of veto to the Visitor, which had been ruled out on a previous debate was sought to be reintroduced with a slight verbal change.

Points of order were raised against the amendment, which according to the opposition, meant reintroduction by means of a legal quibble, of the principle which had been ruled out. The Opposition also contended that the power of veto in the hands of Visitors, went against the principle underlying the bill, which was to democratise the administration of the university.

The President held that the amendment was in order.

The next move of the Opposition was to propose the adjournment of further consideration of the bill till next session. But the proposition was put to vote and lost, and then an unexpected development occurred.

Ten members headed by Mr. Nariman walked out as a protest against the ruling of the Chair, which, Mr. Nariman said, before leaving the House, would be contested by him and others before the High Court.

After the walk-out of Mr. Nariman's party, the Bombay University Bill had a safe passage. The House passed the bill as amended, and proceeded to consider non-official bills. But by agreement with the non-official members the session was prorogued on the understanding that one day would be added to the non-official days of the next session to make up the loss.

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# The Madras Legislative Council

The first session of the Madras Legislative Council for the year 1928 met at Madras on the 29th JANUARY 1928 at 11 a.m. Galleries were fairly crowded testifying to the importance of the first meeting of the Council after the Congress. Almost all members belonging to the Independent Party and Government benches were present while on the opposition side, when the meeting commenced, about 25 Congressmen attended and after a few members including Mr. Warren and Dewan Bahadur Kesava Pillai were sworn in, the Swarajists left the house in a body. The Justice Party members were present in a fairly large proportion. The newly formed party under Mr. Muthiah Mudaliar's leadership was also present and occupied a separate block.

One or two references were made in the council to the absence of the largest party. When Sir C. P. Ramasawmy Aiyer moved for an additional grant Mr. Ramachandra Reddi asked the Law member to postpone this demand to March as one third of the house was not present. The Law member replied that he did not care whether they attended or not.

Before the Council met the Congress Party members held a meeting in the lobby room when the amendment asking to express want of confidence in the Commission was incorporated and the amended resolution to be moved. The resolution was the same as that moved in the C. P. Council and the Congressmen asked for adjournment of every other business till this was considered.

Interpellations did not occupy more than half an hour as all the questions—there were quite a large number on the agenda—of the Swarajists were simply called and no supplementary questions were raised.

After interpellations the Law Member moved that the house do record its profound grief and sense of loss at the death of Sir P. Rajagopalachari. He referred to the great qualities of the first President of the Reformed Legislative Council and paid tributes to his tact and courtesy. Other representative speakers associated themselves with the remarks of the Law Member and the resolution was passed all standing.

Then the House proceeded to discuss demands for grants. In all nine demands were passed by the house, three of them for excess grants and the rest for supplementary grants.

After passing the demands for grants the Hon. T. E. Moir, moved that the report of the Public Accounts Committee on audit and appropriation accounts of the Madras Government for 1925-26 be taken into consideration. A lengthy discussion took place on this motion, Messrs. Krishnan Nair, Gopala Menon and Saldanha and Sir Patro taking part in it. While Mr. Gopala Menon was speaking the President left the chair and Dr. Muthulakshmi Ammal, Dy. President occupied it. Mr. Saldanha in his speech referred to the councils as a rump parliament. At 1-40 p. m. the House adjourned for lunch.

Reassembling after lunch the Council resumed discussion on the report of the Public Accounts Committee. None of the Congressmen entered the chamber though many of them could be seen outside in the verandah. The motion was put to vote after the Hon. Mr. Moir had replied and was carried. The Madras Village Police Bill of 1927 was then passed into law after suspending the Bill to a Select Committee. The bill to further amend the Madras Village Police Regulation of 1816 was then moved to be read in the Council. After discussion a division was taken and 19 voted for and 33 against and the motion was declared lost. The Council then adjourned for the day.

On the 24th JANUARY the Council met in an atmosphere of eager expectancy and the galleries were filled in view of the fact that the resolution tabled in the name of Mr. G. Harisavoyam Rao, expressing disapproval of the Statutory Commission was coming up to-day for discussion. As yesterday, the Government

and ministerialist benches were full and on the opposition benches only a few members of the Justice and the newly formed Nationalist Party were present.

Interpellations were quickly disposed of as there was none of importance. One standing in the name of Mr. Biswanathdas (Swarajist) asked whether the Government had any correspondence with the Central Government regarding either the personnel or the work of the Statutory Commission and whether the Madras Government objected to the exclusion of Indians from the Commission. The answer was in the negative to both the questions.

Asked by Mr. C. Gopala Menon, the Law Member said the Government do not propose to introduce any legislation to invest the Commissioner of Police with greater powers to deal with the evil of prostitution and brothels. But the Government would not oppose the introduction of any private Bill to the effect. Amendments to Standing Orders were then considered and were referred to a Select Committee.

Non-official bills were then considered and a bill of Mahomed Schamnad to amend the Malabar Hills Act was referred to the Select Committee.

Leave was granted to Mr. Saldanha to introduce his Bill to amend the Madras District Municipalities Act.

The Council next passed, after discussion, the motion of Mr. Soundara Pandyanadar recommending reduction of interest on agricultural loans advanced to ryots from  $7\frac{1}{2}$  to 5 per cent. Mr. Saldanha moved that a representative committee of officials and non-officials should be appointed to investigate into the problem of physical education and to submit definite proposals for improvement of physical education.

The Chief Minister said that he himself contemplated the appointment of such committee and to make physical education compulsory in all schools. He agreed to the motion which was carried. Mr. Srinivasa moved that in the place of the staff of the District Labour officers should be appointed officials of the rank of Deputy Collectors in order to accelerate the progress of ameliorative works. The motion was adopted.

Lengthy discussion then took place on the motion recommending that the Government of India should be requested to impose suitable duties on indigenous manures exported from India in view of the importance of indigenous manures for agricultural development of the country. The Finance Member said that the scientific and financial aspect of the question should be considered before passing such a motion. Such duty might adversely affect the ryot.

Mr. Ranganatha Mudaliar, Minister for Development, wanted the mover to withdraw the motion in view of the fact that the Royal Commission itself might refer to these questions in their report. He said that the Government of India did not take up the question for the very same reason. The motion was then withdrawn. The House after considering resolutions of minor importance adjourned for lunch.

The House began after lunch with a thin attendance, there being not even a quorum and the bell was rung. The Congress bloc as usual was empty. Discussion was resumed on the resolution of the Zamindar of Gollepalli to investigate the schemes of high flood channels. It was pressed to a division and lost. Dr. Muthalshmi's motion asking for a liberal grant to the Women's Home of Service was passed by a majority.

### BOYCOTT OF THE SIMON COMMISSION

When the Council re-assembled after lunch there was a change in the atmosphere of the Council. Galleries were crowded to their utmost capacity and the Swarajists could be seen in larger numbers walking in corridors. His Excellency the Governor was present in his box watching the proceedings.

The President called upon Mr. Harisarvothama Rao to move his motion and the whole body of Congressmen trooped in. "Swaraj is my birthright and I shall have it", began Mr. Rao quoting the words of Lokmanya Tilak in moving his resolution. The smallest of nations were allowed freedom to determine constitutions for themselves. Even in the British Empire constitutions of different countries like Australia and Canada were framed by themselves and the British Government only accepted those constitutions. But on the other hand we are asked to submit meekly to a constitution that will be framed by the British. No nation can prosper under a constitution given by another country. The Commission was flung on us

on the belief that India is incapable of composing her differences. Our voice can be shifted if government so chooses, he concluded, but it would be doing great injustice to the future of world peace, injustice to the good of the world itself."

The resolution ran as follows :—

"That this Council recommends to the Government that they do convey to His Excellency the Viceroy and his Majesty's Government the resentment of this Council at the appointment of the Statutory Commission and that they do advise His Majesty to abolish the constituted Commission and order the institution of a representative Round Table Conference to be composed of delegates elected by the elected members of all the Legislatures of India"

Mr. Bashir Ahmed seconded the resolution in a forceful speech. He said that we would forget all our differences in fear of this insult. We, all of us, he said, amidst cries of hear, hear, Hindu, Christian or Mahomedan stand as one to-day. There was not even a single honest Muslim who would submit to this Commission though there could be everywhere toadies and timeservers.

He asked Lord Birkenhead to dispel all ideas of weakness in our ranks. We realise that the Hindus cannot wrest Swaraj without the Muslims and the non-Muslims cannot attain it without the help of the Hindus.

Mr. Sami Venkatachalam Chetty, leader of the Congress party then moved his amendment :—

"The Governor-in-Council be pleased to convey to the Viceroy and His Majesty's Government that this Council has no confidence in and will have nothing to do with the Statutory Commission."

He remarked that this Commission had given an impetus to the national spirit as much as the Jallianwalla Bagh. Lord Birkenhead had pinned his faith in our disunion when he appointed this Commission. We question the right of any other country to determine our constitution. Addressing the waiverers he said "you would gain nothing by standing aloof from us. To the depressed classes he would say that they would be given importance and patted on the back by the government because of boycott. He hoped that the depressed classes would realise their true interests.

Mr. C. V. Venkataramana Iyengar seconded the amendment. He asked Britain to keep her promise to give India Self-Government. The Government thought that Madras and Punjab could be cajoled into co-operation. That is why the Commission's first visit had been programmed from southeast and to northwest end. He appealed to all not to let down the reputation of Madras. He also wanted all other amendments weakening the effect of boycott to be withdrawn.

Mr. T. C. Srinivasa Iyengar, Independent Party, moved an amendment to the amendment of the Congress Party that the words "as at present constituted" be added at the end of the Congress amendment. He said while it would in no way lessen the effect it would secure co-operation of all section of the house. It was duly seconded and supported by Mr. Ramanatha Goluka (nominated member) who, in a much applauded speech said it is not we that are unfit for reforms but reforms are unfit for us. The House then adjourned.

On the 25th JANUARY keen public interest was evinced when the Council resumed debate on the Swarajist motion of no-confidence in the Simon Commission. Galleries were fully packed.

Mr. A. B. Shetti (Ministerialist) who in the course of his speech was several times called to order drew attention to the remarkable unanimity among all parties on the question of boycotting the Commission.

Mr. R. Srinivasa Iyengar (Swarajist) declared that Mr. T. C. Srinivasa Iyengar's addendum, namely, Commission as at present constituted, was meaningless as they had only one Commission as at present before them and that one none wanted.

Sir Norman Marjoribanks, Reforms Member, opined that the amendment added nothing so original. The amendment and the words as at present constituted did not add anything at all.

Mr. T. C. Srinivasa Iyengar's amendment was then put to vote and carried by forty-five votes against twenty-four, three ministers being neutral as also the Europeans and some of the Swarajists and Justicites while officials voted against en bloc.

#### THE JUSTICITE AMENDMENT

Dewan Bahadur Krishnan Nair (Justicite) moved his party amendment as a substitute to the amended motion :—

In lines 2 to 7 for the words "the resentment of this council . . . . . Legislatures of India," substitute the words "that this council is of opinion that in the official announcement of the appointment of the Royal Commission, the status and functions of the Committee of the Legislatures are not clearly defined and that unless an authoritative declaration is made giving the committees of the legislature an effective voice in the shaping of the decisions of the Commission at all important stages this Council cannot co-operate with the work of the Commission".

The mover declared that his party unlike others was prepared to co-operate with the Commission under certain conditions explained in the amendment. What was wanted was an authoritative declaration giving the Legislative Committees an effective voice in shaping the Commission's decisions at all important stages including examining and cross-examining of witnesses besides the power to discuss evidence, oral and documentary with the Commission. Rao Bahadur Ellappa Chetti seconded.

Mr. S. Arpudswami Udayadar (Ministerialist) moved an amendment to the Justicite amendment substituting the expression of dissatisfaction with the constitution of the Commission and the word "unless" instead of "until".

The Zemindar of Seitur, Chief Whip of Ministerialist party seconded the Justicite amendment. Mr. Saldanha opposed Mr. Udayadar's amendment.

Mr. Udayadar's amendment was put and lost by thirtyone votes against 29.

The Hon'ble Mr. Ranganathan and the Hon'ble Mr. Arogiaswami Mudaliar and the Congress nationalists voted for the amendment while the Chief Minister remained neutral as before but officials, Europeans, Swarajists and a section of justicites voted against the amendment.

Mr. Satyamurti declared that the Justicite amendment asked for is impossible. Did Mr. Krishnan Nair believe after reading Lord Birkenhead's utterances that they were going to change the function of Committees? He drew attention to Lord Birkenhead's statement that the Parliament's authority was exclusive. After reading extracts from the Lords' and Commons' debates on the question Mr. Satyamurti went on to say that the ex-Labour Premier wanted to treat the Indians less than school children when he wanted the Legislative Committee's report to be submitted to the Assembly. Mr. Satyamurti held that the original motion as amended by Mr. T. C. Srinivasa Iyengar was comprehensive enough and ought to be supported by all respectable Indians. He pleaded that the House should fall in a line with the national Congress, the Moslem League, the Liberal League and the Trade Union Congress.

Mr. Viswanath Das (Swarajist) also opposed the Justicite amendment.

Diwan Bahadur Kumaraswami Reddiar (Justicite) justified his party amendment although he (speaker) had originally expressed views similar to those of Mr. Satyamurti. The Swarajist amendment to his mind made no definite criticism while Mr. Krishnan Nair's made clear proposals.

Mr. Krishnan Nair's amendment was put and lost by 42 against 20, Government and Ministers and Europeans remaining neutral and Swarajists against one Justicite voted against his party.

Swami Venkatachallam Chetti's amendment as amended by Mr. T. C. Srinivasa Iyengar (viz.), expression of opinion that the Commission as at present constituted did not command the confidence of the Council and that therefore the Council would have nothing to do with it, was put to vote and carried by 64 against 28 votes. Dr. Subbarayan, Europeans and the Government voted against while the second and third Ministers and the Raja of Panagal and Sir A. P. Patro were among neutrals. The Council then adjourned for lunch.

The Council met again at 2-30 to continue discussion on the amended motion of Swami Venkatachallam Chetti. The following is the amended form of the motion that came up for discussion: "That this Council recommends to the Government that they be pleased to convey to His Excellency the Viceroy and His Majesty's Government that this Council has no confidence in, and will have nothing to do with the Commission as it is at present constituted."

Mr. C. N. Muthuranga Mudaliar supporting appealed to the Chief Minister that as a Congressman he should stand by the Congress mandate. Mr. N. Swaran, nominated member for the Depressed Classes, opposing the motion said that his community supported the Commission not in any spirit of opposition to the Caste Hindus but to present their case to the Commission.

What is your case? interjected Mr. Satyamurti.

Our case is that we have been treated as worse than animals by our own countrymen.

What are the Englishmen doing you now? put Mr. M. Bashir Ahmed.

Mr. Abdul Hamid Khan asked whether it was proper for one community to harp upon domestic differences when the whole country was insulted.

There were lively interruptions from Congress Benches when Mr. Slater (official) defended the position of the depressed classes.

Mr. P. Anjangulu, Swarajist, moved for a closure. The President ruled it out of order and called upon the Finance Member to speak on the motion. Mr. Moir very vehemently defended the position taken up by members of the depressed classes.

Mr. Satyamurthy then rose amidst tense silence and replied point by point to the Hon. Moir's speech. "Indians have learnt that salvation for them lies in their own hands. So also he hoped the Adi-dravidas would discover likewise. The British Govt. have done nothing to uplift them. Their salvation would be assured the moment they refuse to co-operate with the Commission. Continuing, he said no nation under British dominance had gained self-determination, except at the point of bayonet. Referring to the charge levelled by the Finance Member he said that it was Govt. which was trifling with them and not they.

In conclusion he said: We challenge this Govt to do its worst.

Lord Birkenhead has asked whether we would allow the British army or navy to be withdrawn. If that proposition had been put to us before a round table conference, it would have been a different matter. But since it is made in that insolent way we accept his challenge. We want the army and navy to be called off. India has no enemies in the world. All are friends. It is only Great Britain that has innumerable foes. Her name is stinking in the nostrils of almost all countries in the world."

The visitors in the President's gallery having applauded the President had it cleared.

Resuming his interrupted speech Mr. Satyamurthy said: "Acceptance of the Commission means accepting of political slavery. Why should we voluntarily enslave ourselves in the Commission which wants to enslave us."

The motion was put to vote and carried amidst cries of Bande Mataram by 61 against 28 votes. The Development Minister and the Excise Minister were neutral, while the Chief Minister was absent at the time of voting. The officials and Europeans en bloc voted against the resolution. The Council then adjourned to the 27th February.

On the 27th FEBRUARY, after questions being answered, the Zemindar of Gollapalli introduced the Jaggampeta A. and D. Estates impartible bill and the motion was carried. After the motion was carried, he moved that the Bill be taken into consideration and it also was carried. Then he moved that the Bill be passed into law and it was also carried. Though the Swarajists attended the meeting they did not take any part in the proceedings.

Mr. Maneckavelu Nayakar next moved a resolution recommending the Government that all local fund toll gates in the presidency be abolished from the next official year and it was duly seconded. Dr. Subbarayan, the Chief Minister, in reply to Mr. Maneckavelu Nayakar's resolution narrated the financial difficulties that would arise if toll gates were abolished and assured the mover that the question will be considered and appealed to the mover to withdraw the resolution. Accordingly the resolution was withdrawn.

Mr. B. Ramechandra Reddy moved a resolution recommending the Government that orders be passed that no building devoted for religious worship should be extended or brought into existence newly without the previous sanction of the District Magistrate.

Mr. Abdul Hye moved an amendment that after religious worship "other than Mahomedan mosques" should be inserted but his amendment was lost since there was no seconder.

Mr. Apudasan Adayer moved an amendment to insert "other than Christian Churches" and when it was put to the vote it was lost.

The original motion of Mr. Ramechandra Reddy was then considered and passed. BUDGET FOR 1928-29.

Sir John Simon and other members of the Statutory Commission were in the distinguished visitors' gallery when the Council re-assembled on the 28th FEBRUARY to hear the Finance Member on the Budget estimates. Swarajist benches were again empty with the exception of the Council Nationalist Party led by Mr. Muthiah Mudaliar who were in their seats.

H. E. the Governor was present in his box when the Finance Member presented

the Budget. In course of his speech the Hon'ble Mr. T. E. Moir said: "There is an opening balance in the revenue account of 312.58 lakhs, the revenue receipts amounting to Rs. 1697.33 lakhs and the total revenue expenditure of 1747.53 lakhs, the excess expenditure will be met by drawing upon our opening balances to the extent of Rs. 50.20 lakhs. This with a small investment of 3.33 lakhs, to which I have already referred, will leave us with a closing balance in the revenue account of Rs. 239.05 lakhs at the end of the year 1928-29. Under Capital and Debt Heads we shall be borrowing an additional sum of Rs. 145 lakhs; but if from this is deducted the amount of 45.66 lakhs for repayment of the previous loans the net addition to our liabilities will be Rs. 99.34 lakhs. A matter of great importance will be the final and complete remission of Rs. 48.73 lakhs being the balance of provincial contribution. Should that event happen in 1928-29, it will add a similar sum to recurring revenues. But it is an item which has no potential growth and will admit of additional expenditure to that amount and no further. At most, items will allow of certain fixed and exhaustive additions to expenditure recurring and non-recurring. They already exist as revenues and only admit of being diverted to other purposes. The adjusted revenue has increased from Rs. 1587 lakhs in 1920-1921 to an anticipated figure of Rs. 1742.53 lakhs in 1928-29, an average increase of Rs. 19.43 lakhs a year. This however includes increased revenue derived from alterations in stamp duties and court fees brought into force in 1922-23 and future annual increase on the basis of existing revenue cannot be pitched at a higher figure than accepted liabilities which have not yet attained their full development. The existing establishments demand an additional provision each year under incremental scales and pension charges. It has of recent years been impossible to frame definite programmes owing to uncertainties and fluctuations of our revenues. As a result the allotment of funds for these purpose has been somewhat haphazard. The time has, in my opinion, come where deficiencies should be definitely ascertained and minimum annual allotments provided to enable programmes of construction to be carried out. If such a process of rationing were enforced, departments would be compelled more carefully to consider comparative urgency of competing proposals. They would at the same time be in much better position to determine the allotment of available funds between replacements and needed improvements to our existing equipment and proposals for new adventures and this would, I think, tend to revive that financial sense which, I fear, has been considerably weakened under temporarily affluent circumstances to which remission of our provincial contribution has given rise in this respect. I am at present not in a position to do more than indicate roughly suggestions which will, I trust, be fully explored before another budget is placed before the Legislative Council.

#### GENERAL DISCUSSION OF THE BUDGET.

On the 1st MARCH the Council reassembled for general discussion of budget. There was thin attendance. Dewan Bahadur M. Krishna Nair (Justicite) welcomed the remission of provincial contribution and stressed the need for land revenue settlement bill and separation of judicial and executive functions.

Dewan Bahadur P. Kesava Pillai deplored the inadequate provision for rural water supply and education of depressed classes and pleaded for increasing facilities to submerged classes smarting under social tyranny.

Criticising the budget non-official members deplored the inadequacy of the provision for rural reconstruction work, educational facilities for women and depressed classes and urged reduction of taxation and opening of experimental farms.

Mr. B. Munuswami Naidu and Mr. B. Ramachandra Reddi, Justicites, pleaded for a definite enunciation of policy by Government as regards communalism in services.

#### THE NO-CONFIDENCE MOTION.

Swami Venkatachallam Chetty, leader of the Opposition, tabled the following resolution: This Council has no confidence in the Honble the Chief Minister, Dr. Subbarayan. The object of bringing the no-confidence motion in the Chief Minister was due to the fact that the Minister flouted the verdict of the House by co-operating with the Simon Commission.

On the 2nd MARCH when Swami Venkatachallam Chetty moved the motion only 36 members supported him. Among them 26 were Congress men and of

the rest 6 were Independent and 4 Justices including the Raja of Panagal and Sir Patro. So the motion was defeated.

As soon as the Council refused the permission to move the no-confidence resolution the Swarajists walked out of the Council chamber.

The House then discussed the budget for the ensuing year as presented to the House. Messrs. Naganna Gowd and Parthasarathy Aiyengar criticised the budget. As soon as Mr. Parthasarathy Aiyengar's speech was over, the President called upon Mr. Guavaram Pillai to speak, but when he found that Mr. Guavaram Pillai was reading from a manuscript paper, he said: "I allowed only the depressed class representatives to read from manuscript papers. In your case, I cannot allow it. So Mr. Guavaram Pillai discontinued his speech and Mr. Dorai Raja followed him.

Replying to the budget criticisms the Law Member quoted facts and figures to disprove the allegation that one particular community monopolised the appointments in the Services. He pointed out that the only solution which could help the other communities to get their due share in the Services was education.

Adverting to Mettur, the Law Member averred that it was not meant to benefit a particular district but the whole province.

Turning to the Pykara scheme, Sir C. P. Ramaswami Iyer said that it had the approval of a well known expert in Major Howard and he had no doubt that the scheme would result in benefitting South India.

Replying to the debate Mr. T. E. Moir, Finance Member, congratulated Sir Basil Blackett and welcomed the abolition of provincial contributions. He declared that the Madras Budget was not a deficit budget in the real sense of the word. He paid a tribute to the enterprise and enthusiasm of Sir P. C. Ramaswami Iyer in connection with the Pykara and Mettur schemes. The Council then adjourned till March 13.

#### MINISTERS' STATEMENT ON RESIGNATION.

On the 13th MARCH Mr. A. Ranganatha Mudaliar and Mr. Arogyaswami Mudaliar, ex-Ministers, who took their seats on the extreme back of ministerial benches, with the permission of the Chair made statements explaining reasons which led to their resignations.

Amidst constant cheering and cries of "hear, hear" from the Swarajist benches, Dewan Bahadur R. H. Arogyaswami Mudaliar explained the circumstances of his resignation. In course of his extempore speech he said that owing to various causes a misunderstanding arose between him and the Chief Minister, Dr. Subbarayan and the Statutory Commission was one of the causes. Continuing he said:—

"As soon as the appointment of the Commission was announced Dr. Subbarayan issued a statement without consulting the party. This led to a misunderstanding among the party members. Later on, the party decided to treat the Commission as a non-Party issue with regard to voting. Then followed the resolution of the Council that it will not co-operate with the Commission as at present constituted.

"After the boycott resolution was passed by the Council Dr. Subbarayan pretended to resign and so Dr. Subbarayan met the Governor and handed over his resignation letter. But he was asked to wait for some time more by the Governor.

"After some time, I had an interview with His Excellency the Governor. His Excellency told me that those who acted against the Commission acted against the Government. I did not accept that view. I did not resign my ministership at once, because I thought that His Excellency's opinion was wrong and I hoped that he would revise his opinion on the above matter soon.

"The next incident which followed is the No-confidence motion on Dr. Subbarayan. This was brought by the leader of the Congress Party but that motion was lost since it was not able to command the full support of the Independent and Nationalist Party. The No-confidence motion made no mention of the Simon issue. After this resolution was defeated His Excellency again considered that those who voted for the boycott motion acted against the Government.

"After this resolution was defeated myself and my colleague Mr. Ranganathan Mudaliar had an interview with the Governor and finding his opinion not changed I thought I should not remain in office any longer since I considered that this was an insult to this House (hear, hear from the Swarajists). The failure of the No-confidence motion on Dr. Subbarayan does not mean that the Council has revised its opinion regarding the Simon Commission boycott but the Council still sticks to its former opinion. So, I appeal that no member of this House should accept-

ministership in the future. Many who accepted it feel disgusted (opposition cheers). What sign is there that the future reforms should have power so that it may not be possible for any Government to turn out any ministry which acts according to the mandate of the Council (hear, hear from the opposition side.)

President: Let the Hon'ble member explain the reasons which led to his resignation and let him not advise the Council about the future.

After his speech was over the President said: Let us have statements from Dr. Subbarayan and Mr. Ranganathan.

Sami Venkatachalam: Let us hear Mr. Ranganathan first and Dr. Subbarayan next.

#### MR. MUDALIAR'S STATEMENT.

Mr. A. Ranganathan Mudaliar pointed out at the outset that only upon a mandate from the House that any member would be entitled to occupy the post and this principle was the justification for reforms of 191 . Recalling the circumstances of formation of the Independent Ministry he stated that the reason why he carried on in office, despite weak position of the party in the Council, was that he knew that he had the support of the House for his policy. After reiterating his principle that as a reflector of views and wishes of the House and as its mouth-piece he had the right and duty to resign if he failed to reflect the fundamental wishes of the House, Mr. Ranganathan referred to the boycott resolution and observed that the feeling of resentment against the Commission was universal and testified by the Legislative Council's verdict. He opined that the constitutional procedure for Dr. Subbarayan in the face of the Council's resolution for boycott was resignation, but it was not adopted and this was a negation of the principles of responsible Government. Mr. Ranganathan declared that he had made plain to His Excellency and the public his determination to respect the wishes of the House on the Simon boycott. He asked amidst cheers: What is the good of my being a popular Minister, if I did not represent the popular view in the Government. Nor did co-operation or non-co-operation with the Commission interfere upto the date I resigned with the discharge of my duties?"

He next cited the example of the C. P. Ministers who after the vote against the Commission continued in office. "I fully believe I did not resign a day too early."

Proceeding he observed that to his mind the Simon Commission was the only issue which could determine at the moment the relation between the Ministers and the Council. Mr. Ranganathan declared, "I believe agreement or disagreement between the Council and the Ministry on the Simon question was of fundamental importance and I venture to believe that whatever our differences in regard to other matters on the point of the Commission we are one. ("Hear, hear"). It is because of this I considered it my duty to resign and to come back to you and ask you to uphold the honour of the House and the country."

Referring to the resignation consequent on the Governor's interpretation, Mr. Mudaliar asserted that as long as the Ministers were not allowed to act in the matter of the boycott resolution with the Council it would not be possible to form any Ministry, for he maintained that it was better that Diarehy should go than that those administering it and those entrusted with the duty and privilege of representing the views of the Council should in reality misrepresent them. (Hear, hear and cheers from the Swarajist benches).

Concluding he paid a tribute to the Governor, Viscount Goschen and observed that if there was a Governor willing to make the Reforms a success and under whom they could have been made a success, it was he, but the opportunity was lost. (Applause).

#### THE CHIEF MINISTER'S STATEMENT.

Dr. Subbarayan, replying on behalf of the Government, was received amidst cries of "Oh, oh" from the Swarajists. He declared that on his recommendation H. E. the Governor accepted two gentlemen just spoken as Ministers (Oh, oh). A short while ago the speaker represented to His Excellency differences that had arisen between himself and his colleagues and that he could not work with them. The Governor discussed the matter with the ex-Ministers as a result of which they preferred resignation. "As I am aware the No-confidence motion against me had failed" Dr. Subbarayan was saying when the opposition loudly dissented.



Dr. Subbarayan: I maintain it had failed, for it did not get the necessary support. (European cheers and Swarajist cries of "Oh, oh.")

The President: I request the House to listen with patience to the sole Minister.

The Chief Minister: If friends opposite hit me, I mean to hit back (Laughter and European cheers).

Continuing Dr. Subbarayan said that his Excellency had no option except to accept the resignation.

Mr. R. Mallaya: On your recommendation?

Dr. Subbarayan, continuing, said the Simon Commission was a reserved subject under the Diarchy. It was a surprise to the speaker to read from the press that his colleagues intended resignation. Moreover, he was unaware if the ex-Ministers had obtained his Excellency's permission to publish the resignation letter.

Referring to joint responsibility the speaker said that it was an open secret that his two colleagues had invited the Deputy leader of the opposition for Counsel.

Dr. Mallaya: Did not Mr. Satyamurti hold you before. (Laughter).

Proceeding, the Minister asked for the meaning of the two Ministers issuing the press statements a month after the Commission debate and immediately prior to the No-confidence motion against himself. Did not these cut across the ideas of joint responsibility? "If the member for Bellary (Mr. Ranganatham) had any differences with me he should have straightaway gone to the Governor and told him that he could not work in the Ministry of which I was the chief." (Swarajist laughter and ironical cheers).

Proceeding the Chief Minister referred to the Congress Party which went back on professions of joint responsibility and tabled no-confidence against him. The charge of breaking the joint responsibility should be raised at the other doors.

#### ECHO OF HARTAL DAY DISTURBANCES

Mr. A. Y. G. Campbell, Law Member, (to whose rising to make the motion for supplementary demands there were objections from Mr. Harisarvotam Rao, who wanted to know who the Law Member was and was told by the President that Mr. Campbell was) successfully obtained several supplementary grants.

Mr. Oosman, Police Member, moved a supplementary police grant of Rs. 3 lakhs and odd to make good the extra expenditure caused by a cut of five lakhs in the current budget.

Mr. Kaleswara Rao moved a cut of Rs. 100 to protest against the needless police precautions on the Simon Commission's visit.

Mr. Basheer Ahmad in a vehement speech condemned what he called the police inefficiency in allowing the peaceful citizens to be assaulted on the Hartal day by the ruffians.

Dr. Mallaya also severely criticised the police firing on the High Court mob on the Hartal day. Dr. Mallaya told the House that those assaulted were specially picked-out people who were Swarajists and wanted Swaraj. What were the police doing, he would ask? What had Government done to compensate the victims of police inefficiency? Were Government going to send them to Andamans for voluntary colonisation?

Diwan Bahadur Krishnan Nair (Justicite) held that, although it was not the intention of hartal organisers to molest the people it was Government's primary duty to protect peaceful citizens. The speaker recalled the rowdism and hurt to Brahmins, especially innocent Brahmins. (Laughter). Government were certainly to blame for inaction on February 3, but how could they be blamed for learning the lesson and taking the necessary precaution? The speaker thought that the Swarajists' speeches on the floor of the House provided the strongest argument favouring the demand.

Mr. R. Sriyasa Iyengar (Swarajist), supporting the motion characterised the armed police patrol as an insult to peaceful citizens.

Swami Venkatachalam Chetti, leader of the Opposition, remarked that the throwing of stones and eggs and the burning of effigies were things they learnt from Europe. The disturbances on the Hartal day were the acts of rowdies. To counteract a small disturbance, the Government drafted a large force of armoured cars to terrify the people. He enquired if that was complimentary to the Commission.

The Hon'ble Mr. Mahomed Oosman (Police member) replying said that special police was drafted to infuse a sense of protection and security amidst shouts of "withdraw police." The Members declared that those who spoke at the Beach were

responsible for the disorders. It was said that police was brought to protect the Simon Commission. They desired no protection whatever. ("Oh, oh!") They were welcomed by the people. (Oh!)

#### MR. SATYAMURTHI'S CHALLENGE.

Mr Satyamurthi challenged the Police Member to repeat elsewhere his charge that the opposition members incited the rowdies at the Beach meetings to defy the police. (A voice; He dare not). He recalled the incidents of the hartal day and complained of indifference of police under whose very nose, he declared, stonethrowing was resorted to. He asserted that at least on two occasions the police aided and abetted the disorders or the rowdies were sure that they had the police behind to back them. There was no disorder on the day of the Simon Commission's arrival at Madras because the rowdies who were backed on previous occasions failed to get the backing. He asked Government to appoint an honest and representative Commission to enquire into the disorders and unless they had done so people would believe that the police was out to break the boycott movement. Non-official Europeans, he said, were the real Government who dictated everybody and to the Simon Commission he desired to make it known that the Opposition members should be the real rulers and would not rest till they were so. (Hear, hear). He appealed to all sections to vote for the amendment.

Sir James Simpson remarked that the speeches of the Opposition members were themselves a justification of police precautions on the Hartal day. The city was given over to mob law and police-cum leaders were unable to control the forces they had set in motion. "We are the rulers of India for, after all, trade, commerce and agriculture must have a predominant voice in the Government." But, added Sir James, Law and Order must be maintained as there were forces that were dangerous.

The Finance Member opposed the motion which was rejected by 58 votes against 72, the ex-Ministers, the Justices and the Muthia Mudaliar group voting with Government. The original grant was agreed to. After a number of other demands the Council adjourned.

On the 14th MARCH Mr. Ranganathan Mudaliar gave a statement in reply to Dr. Subbarayan's attack on him that he was connected with the no-confidence motion brought against Dr. Subbarayan, leader of the House.

Sir R. E. Marjoribanks objected to such statements that it would raise another debate.

The President ruled that the statement was permissible as it intended to vindicate him from the allegation made by Dr. Subbarayan. Mr. Mudaliar then stated that he himself and Mr. Arogyaswamy Mudaliar tried their best to dissuade their friends from the idea of the no-confidence motion. Dr. Subbarayan, rose on a point of personal explanation, but he was ruled out of order.

#### VOTING ON BUDGET GRANTS.

The House then commenced voting on Budget Grants. The Government sustained a defeat on a motion of cut moved by Mr. Basheer Ahmed, Swarajist, on the first demand for a grant under Land Revenue. The demand was for Rs. 26036 lakhs and the cut was for Rs. 100.

In moving his motion Mr. Basheer Ahmed criticised the settlement policy of the Government. He referred to the futility of repeated appeals to the Government to bring land revenue under the control of the Legislative Council. It had been the fixed policy of the Government, so far at least as the Ryotwari lands were concerned, to fix 50 per cent of the net produce as State demand. He referred to the hardship of the cultivators and regretted that as Mahatmaji had pointed out land revenue had become a close preserve of the Government.

Mr. Harisavottam Rao, a Swarajist, declared that if no taxation without representation was the rule of the Indian bureaucracy he deprecated the policy of the Government in grinding down the Riots.

The Revenue Member and the Finance Member pointed out that under the present constitution land revenue was in the reserved half and that until the present constitution was changed to a great idea they could not see how the position could be changed. Further safeguard in this matter was due to the fact that land revenue was the principal source of the revenue.

Mr. Satyamurti declared that the doctrine laid down by the Government members was the most dangerous one and he asked why then should reserved grants be placed before the House were advised to be restored by the Governor.

He concluded with a warning to the Government to give adequate relief to the poor agriculturist by placing land revenue settlement on a statutory basis.

After Mr. Kaleswar Rao, another Swarajist, had spoken the motion was put to vote and declared carried by 4 votes against 20. Mr. Ranganathan, ex-minister and Sir Patro of the Justice Party voted for the motion.

Five more reduction token motions of Rs. 100 each were also moved in the Council under the general head Land Revenue by the non-officials and all of them carried. The sub-heads to which the cuts related were expenses for the Revenue Board, General Administration, Districts Administration charges and others. A cut under Administration charges was moved by Mr. Sivaraj, a nominated member and strongly supported by the Swarajists it was carried. The demand as a whole under the Land Revenue reduced by Rs. 600 for six cut motions was then put to vote and passed. The Council then adjourned.

On the 16th MARCH Messrs. S. Muthiah Mudaliar and M. R. Sethurathnam Iyer were introduced to the Governor at 1 p.m. in the Secretariat where they took the oath of allegiance. Mr. Muthiah Mudaliar was made the second Minister and Mr. Iyer the third Minister. Exeise was placed in charge of Mr. Muthiah Mudaliar and Development with Mr. Sethurathnam Iyer.

Amidst cries of "shame" and traitors" from the Swarajist benches the new Ministers took their seats next to the Chief Minister at 3 p.m. in the afternoon in the Council and the President had to call the House to order before commencing the proceedings.

#### METTUR PROJECT CRITICISED

On the 17th MARCH the attendance in the Council was sparse when it reassembled to resume the voting on the budget demands. The appointment Committee of the Council to enquire into the working of the Mettur Scheme with a view to economy was urged by a token motion on demand under irrigation. The non-official speakers complained of the frequent changes in estimates and the alleged extravagance and pointed out that the Government would do well to avoid another backbay bungle.

Sir Norman Marjoribanks defended the Government policy and paid a tribute to Sir Ramaswami Iyer for his energy and enthusiasm in connection with the Mettur Scheme.

Dewan Bahadur R. N. Arogyaswami Mudaliar pointed out that the question whether the cement be preserved to lime in the construction of the dam was never referred to the India Government's experts. Government sustained a defeat over this token cut the House dividing, 46 votes for and 25 against it. Justices and Swarajists voted once for the motion while three Ministers remained neutral, although the Hon'ble Muthiah Mudaliar had spoken in support of the irrigation and the demand was agreed to.

#### PROVINCIAL AUTONOMY

An interesting debate then ensued over a token cut motion allotment for the Private Secretary when the question of further constitutional reforms was raised. The grant of provincial autonomy for Madras with adequate safeguards for minorities' rights was urged by several speakers who pointed out that Madras was ripe for autonomy. Mr. Parthasharatri Iyengar (Ministerialist) characterised the present ministers as no ministers in the real sense of the term and deplored the recent political developments. Dyarehy, he added, should go.

Mr. B. Munuswami Pillai (Depressed Classes) opined there would be no further reforms till the high caste people changed their mentality; Mr. R. Srinivasam (Depressed Classes) while proclaiming the desire for Home Rule admitted that Indians were united for the same.

Sir Norman Marjoribanks, leader of the House, pointed out that the Madras Government had no power to change the constitution.

Mr. Satyamurti observed that the Justice Party achieved two political points, one, joint responsibility and the second, about leaders of parties being summoned to take office. Both these points have been destroyed during the week. He twitted Ministers

about the sanctity of election pledges and pleaded for understanding and tolerance among communities. He referred to the Simon Commission and observed till its departure. Treasury Benches would shed crocodile tears for the welfare of depressed classes with 'never yet'. The latter will give evidence against reforms. Concluding he reiterated the Congress demand for complete responsible Government.

Dewan Bahadur Kumarswami Reddiar (Justicite) declared that his party will be neutral. He pointed out that his party were not in need of praise from Swarajist quarter and added they were ready for the test and that their action in the coming week would be in accord with their previous professions and declared principles. While proclaiming the determination to insist on provincial autonomy he explained that the reason for neutrality was that by effecting a cut in the private secretary allotment they believed they could get no nearer of provincial autonomy.

Mr. N. Sivaraj (Ministerialist) deplored the narrow outlook of the opposition members who under the cloak of patriotism dubbed as cynics their honest political opponents, thus stifling freedom of opinion. He added that he and the people of his class did not feel like Indians and it was up to the opposition to make them feel otherwise.

Sir James Simpson declared that he and those on his bench were for provincial autonomy but the cut was so unreal that they would vote against it.

Mr. T. E. Moir, Finance Member, opined that the Swarajist Deputy Leader was himself the greatest obstacle in the way of working the machinery of the Government and invited Swarajists to help the framing of future constitution of India and placing the same before the Simon Commission. The token motion was by leave withdrawn. The Council then adjourned.

On the 19th MARCH prominent members of the Independent Party including the two ex-Ministers were seen sitting in the opposition bloc when the Council resumed discussion on grants. Sir N. Marjoribanks moved a demand for grant of rupees 3.17 lakhs for general administration.

Mr. Basheer Ahmed moving a cut urged the necessity of more space being made available in the Council office. He pointed out that parties in the Council had increased but there were not as many rooms as party leaders and other office-bearers. The cut motion was however withdrawn on an assurance from the Government member that the matter would be looked into.

Another cut was moved by Mr. Saldanha to discuss inadequate acoustic arrangements in the Council. Mr. Hameed Khan pleaded for better arrangements, especially for the benefit of press representatives and on the assurance of the consideration of all practical suggestions the motion was withdrawn.

Under head legislative bodies Mr. S. N. Dorairaja, nominated member, moved a token cut to raise the question of Swarajist absence from the Council. Mr. Satyamuurthi raised a point of order that the budget motions being intended to influence, or censure the policy or action of the Executive Government he doubted whether the motion could be moved to criticise the non-official members of the House. The President asked Mr. Dorairaja how his motion could be connected with the administrative policy of the Government and said that the budget motions were intended to criticise the administrative side of the Government.

Mr. Dorairaja said the Swarajists only wasted Government's money and that it was only from the administrative point of view that he wanted to criticise the Swarajists' non-attendance. The President ruled the motion out of order.

Mr. D. Narayana Razu (Congress) then moved a cut to discuss the question of giving postal concessions to members, and on the leader of the House stating that he would suggest that certain amount of money should be set apart for defraying the expenses of the correspondence of members the motion was withdrawn.

Speaking on another cut moved by the Swarajists raising the question of introduction of adult suffrage Swami Sahajananda (Depressed Classes nominated) bitterly complained that nominated members were responsible only to official members to whom they owe their nomination, but did not represent their own community. He pointed as instance that his heart was burning when he voted for the excise grant. The cut was carried and the demand with the cut was then granted.

The Council then negatived a Swarajist token motion urging the transfer of forests to the Transferred Departments and carrying out the Muddiman Committee's majority recommendations. By 44 votes against 20 the Council effected a token cut censuring the neglect of the provincial Governments in not pressing on the India Government the need for a separate Andhra Province. 29 remained neutral including

all Ministers. The Council rejected Mr. Basheer Ahmed's token motion raising constitutional propriety of Government in changing a voted into a non-voted item and vice versa. The Council then adjourned.

On the 20th MARCH the cut motion moved on the Ministers Salaries by Mr. C. V. Venkatraman Iyengar was lost by 46 against 69 votes. Demand under general Administration and the Ministers' Salaries was then put to the vote and declared carried. All the Swarajists voted enbloc in favour of the cut motion while almost all the Justicites with the exception of the Rajah of Panagal and Sir Patro voted against. Amongst the Independent Nationalists two Ex-Ministers, Messrs. Ranganath Mudaliar and Arogyaswamy Mudaliar and two nominated members voted against. This surprise in their ranks was the vote of Mr. C. Gopala Menon who was expected to vote for the cut motion but voted against. The House then rose.

On the 21st MARCH criticism was directed against treatment of political prisoners and general jail policy, non-official speakers pointing out it was most unsatisfactory. The Hon. Mr. A. Y. G. Campbell, Law Member, replying maintained that jail conditions were satisfactory and progress was considerable. He denied that the Neill statute prisoners were treated cruelly and added prison conditions in Madras were far advanced than elsewhere.

The Home Member emphasised that Government was carrying out the Cardew Committee's recommendations. The token motion of censure on jail policy was negated. The demand under jail was agreed to.

Khadi uniform for the police was urged by Mr. Bhaktavatalu (Swarajist) who raised the question by a token out on the Police Budget and declared that the seven and a half lakhs spent on police clothing should go to Indians.

Mr. Harisarvotham Rao, explaining the economic aspect, declared that the Government Industrial Weaving Institutes could manufacture sufficient Khadi clothing, thereby adding to production and lessening cost.

Mr. R. Srinivasa Iyengar observed that his economic considerations would partially relieve the unemployment distress.

Mr. A. Ranganatha Mudaliar, ex-Minister, suggested that Government should keep a department for purchasing Indian articles, thus encouraging indigenous industries.

Mr. Abbas Ali (Ministerialist) opposed, characterising the motion as unpractical, and declared that Khadi introduction meant a political resolution. Moreover, Khadi was uneconomic. The speaker added amid laughter and ironical cheers that under the khadi tyranny he himself had to wear khadi at least for election purposes.

Mr. Satyamurti ridiculed Mr. Abbas Ali and declared that Government was bound to support indigenous industries. The Corporation was now encouraging khadi according to a previous resolution.

The Hon. Mr. Oosman, replying, explained why khadi could not be used. Khadi was uncomfortable and unpopular. Moreover, it was the political symbol of one party. Similarly, another party the next day might dictate weaving as its political symbol.

Sir James Simpson regretted that he could not support the motion because Khadi was too dear to a poor Scotsman like himself who was not an American millionaire. He suggested Indian cloth instead of khadi.

The motion was carried by 38 votes against 21. Most of the nominated Members, Europeans, Swarajists and Independents voted for the motion, while the "Justicites" and Ministers remained neutral. The Council then adjourned.

On the 23rd MARCH on the motion of the Law Member the Council granted Rs. 33,000 for ports and pilotage. Dr. Subbarayan, Chief Minister, then moved for a grant of Rs. 55,000 odd for provincial museum. Mr. Saldanha moved a cut to criticise the Government's indifference to the importance of the exhibits of the industrial products. Several members laid stress on the necessity of establishing a museum with industrial exhibits for industrial development. The motion was lost and the whole demand was then carried.

The demand of the Education Minister for Rs. 181.74 lakhs roused a long discussion on the policy of the Government regarding the primary and secondary education and also on their apathy to industrial education.

"Close down the law college for a time and utilize the saving for establishing vocational schools" was the suggestion made by Mr. Gangadar Siva, nominated member, when the Council resumed discussion on Mr. Harisavothamara's eut motion on education demand. Speakers criticised the policy of the Government in regard to secondary education and pointed out that it was of no material benefits to boys. Educational policy must be so devised as to impart industrial education and solve the problem of unemployment.

Mr. Biswanath Dass pointed out that, in spite of the Reforms and existence of the ministry for seven years in control of education, the increase in the percentage of literacy was 1.5, from 4.5 to 6 per cent. Continuing, he said if education was to be spread elementary education must not be entrusted to local bodies.

Mr. Narayana Raju referred to the necessity of giving text books in elementary schools a distinct national touch as the present text books were unsuited for Indian boys in respect of their political future.

Mr. Satyamurthi referred to the pathetic dimensions to which unemployment had swelled up, lots of graduates being ready to take up jobs at nominal salaries.

The eut motion was lost by 23 against 42, the Rajah of Panagal and Mr. Patro voting against. The whole demand was then carried. The Council then adjourned.

On the 26th MARCH the practice of allowing Government medical officers to carry on private practice and Government's apathy to indigenous system of medicine were subjected to criticism. The Minister for Public Health moved for a grant of Rs. 77,07 lakhs on medical establishments. Mr. Srinivasa Iyengar moved a eut to discuss frequent transfer of medical officers which leads to considerable expenditure. Member after member drew attention to the inadvisability of subjecting medical officers to the inconvenience of frequent transfers. Another eut motion was moved by Mr. A. B. Shetty to discuss the desirability of preventing medical officers of Government from having private practice. Mr. Mallaya in course of the debate surveyed the attitude of the medical staff to the general public to searching criticism and enumerated cases of indifference of officers to the general public and caring only for private practice.

Mr. Moir, Finance Member, referred in indignant language to references made by Dr. Mallaya to the lapses of members of his own profession and spoke on parliamentary traditions.

Mr. Satyamurthi retorted if the Finance Member was a monitor to dictate to the House.

Mr. Moir rose to a point of order and said that if he had been out of order, the President would have ruled it out.

Mr. Satyamurthi remarked that it was no point of order. Mr. Moir did not know what a point of order was. He was laying down a new parliamentary etiquette that members should, before making a reference in the House, give notice of 24 hours to Government.

Mr. Moir replied that he never intended that officers on whom an attack was made should be present. He only said that sufficient notice should be given of those charges so that ministers might investigate the matter and defend officers.

Mr. Harisavothama Rao moved another eut to discuss the need for greater encouragement to indigenous medicines and the need for making more provision for rural dispensaries. He said it was Government tenderness to the I. M. S. men which was against showing any sympathy for the indigenous system.

The Minister said the Government was giving encouragement and instanced the School of the Indian Medicine where research in indigenous medicines was carried on in Calcutta and assured that a similar institute would be started in Madras itself if students who might be trained at the Government School of Indian Medicine showed their capacity for it. Regarding rural dispensaries the provision made last year had been exhausted but more earnest work should be done in the current year. The eut motion was lost by 27 against 21. The whole demand was carried when the Council rose for lunch.

Re-assembling after lunch, the Council rejected a number of cuts moved for the demand of Rs. 4567 lakhs under 'public health' and after passing the demand rose for the day.

## MOTION ON MARRIAGE AGE

On the 27th MARCH the Ladies' galleries in the Council Chamber was filled with lady social reform workers eager to listen to the discussion on the motion of Dr. Muthulakshmi Reddi that the Council recommends to the Government that they may be pleased to communicate to the Government of India that in the opinion of this House the legislation raising the marriageable age of boys and girls at least to 21 and 16 years respectively is necessary. There was an interesting discussion and Dr. Reddi painted a vivid picture of the evils of early marriage. In the interests of the future generation she wanted the age to be raised. If India was to progress reform in this direction was necessary.

Sir Patro said that it was not desirable to allow the Government to intervene in social matters.

The Law member said that it was not desirable to pass the legislation. Conditions were improving and in course of the last few years the number of prosecution for offences against the already existing legislation were becoming less and less. It was more a matter for the social reform workers.

The Government was sympathetic but did not think it wise to interfere. Mr. Moir also expressed similar views. The motion was put to vote and carried.

There was on the agenda a number of bills to amend the Andhra University Act, but the consideration was adjourned till the next session on an agreement between the prominent members of all parties.

The resolution for the suppression of brothels and control of immoral traffic could not be moved as the mover was not present.

Other resolutions were uninteresting, one relating to the pay of Munshis and Pandits which was withdrawn. The Council then rose for lunch.

Reassembling after lunch the Council proceeded to the other resolutions on the agenda. After ten minutes the necessary quorum had to be invited by the President's bell. While discussion was proceeding on the motion that a committee should be appointed to enquire into the economic conditions of agriculturists in the Bellary district Mr. Saldanha repeatedly drew the attention of the President to the absence of the Minister for Development. But the President remarked that when the Congress party members were absent, Mr. Saldanha who belonged to the Congress party should not find fault with members of the treasury bench for their absence. He also pointed out that the Development Minister had no connection with the subject under discussion.

Sir Patro opposed the formation of a committee and said that instead of appointing a committee Government should give water to ryots tax free.

The Revenue Member, Major Banks said that there was no use appointing a committee. As for tax free water he said that with better financial conditions of this year Government would be able to carry out their irrigation schemes.

The motion to appoint a committee for enquiry into the economic conditions for the Bellary district ryots was lost. The resolution of Mr. Chetty that independent medical practitioners should be appointed to take charge of physical training and medical inspection in schools was withdrawn after discussion. The Council then rose for the day.

## VOTING ON FRESH DEMANDS.

On the 28th MARCH supplementary demands were sanctioned under the Veterinary service and for Cinchona plantations. The Law Member then moved for a further grant of Rs. 1,26,000 for certain experiments to be carried in Annamalai forests. Mr. S. Satyamurti raised a point of order that there was no provision in the Government of India Act for such further demands. He also said there was no such practice in any other provincial council. He argued that further demands could only be for new expenses and not for those which could not have been anticipated before preparation of the budget. He also questioned whether the Governor can allot days for further demand as he liked.

The President in ruling the demand in order said that the same point had been raised on previous occasions and that a practice prevalent from the introduction of the Reforms could not be easily upset. The further demands were only on new matters.

The Council then rose for lunch after rejecting the motion for adjourning consideration of the demand to the next session of the Council by 27 against 48.

## ADJOURNMENT MOTION LOST.

On re-assembling after lunch the Council had to clear a large number of further demands and the sitting had to be carried. Frequent polls were claimed by the Swarajists. Then at five the Swarajists brought forward a motion that further business should be adjourned till next day. Sami Venkatachalam Chetty said they had other business. Dr. Subbarayan said if the Swarajists did not use obstructive tactics they could have disposed of more work. The House should sit till 6 or 6-30 in order to go through every agenda. Then Mr. Satyamurthi said that in putting up such heavy agenda of further demands the opposition was not consulted, but was completely ignored. He wanted that further consideration should be adjourned.

The motion to adjourn discussion was lost by 21 against 31. Sami Venkatachalam Chetty followed by other Swarajists then walked out. The sitting continued till 6-30, only four or five demands being over for the next day.

## MINISTERS HECKLED

On the 30th MARCH, question time in the Council was the stormiest on record when Mr. Satyamurthy questioned eliciting information about instructions for preparing materials for the Commission which occupied 40 minutes.

The first question which raised heat in the House was that of Mr. Parasuram Rao who asked whether Mr. Slater, Labour Commissioner publicly rebuked Mr. Ramjee Rao, a nominated member, for remaining neutral on the occasion of voting on the Ministers' salaries and whether there are any rules enunciating the voting of the nominated member, and if a nominated member voted against, whether he can continue as member of the House and whether Mr. Slater and other members have been in the habit of canvassing votes of the nominated members and if so, under what authority?

Sir Majoribanks replied that Government are not aware of any such action on the part of Mr. Slater. There are no rules of prescribing the voting of nominated members nor was the Government aware of the habit of Government canvassing votes from the nominated members as was suggested by the Hon'ble Member. But however he said that the Govt are not precluded from seeking support from any section of the House.

Mr. Mallaya in a supplementary question asked whether it was open for Mr. Slater to coax or compel nominated members. The question was ruled out.

Another Swarajist member asked why cannot Mr. Slater enter the House Sir, though he is standing on the verandah.

President: That is no supplementary question.

Then came Mr. Satyamurthy's question asking each of the three Ministers, (A) whether they had given or propose to give instructions to departments under their control for preparation of any case of materials for presentation to or consideration by the Simon Commission (B) if so, why the Minister proposes to act in contravention of the vote of the House.

Dr. Subbarayan, Chief Minister, began by saying that the Ministers had to do with the preparation of materials for the consideration of the Commission.

Mr. Satyamurthy: May I ask whether the Ministers through their departments had anything to do with the preparation of any evidence?

Dr. Subbarayan: Yes, They have, because the Government of India by a letter asked the Madras Govt. to supply information to the Commission. My friend evidently knows the Devolution rules.

Mr. Satyamurthy: The Devolution Rules simply ask the Govt. of Madras to give information to the India Govt. I ask whether the Minister may permit his department to prepare evidence.

Dr. Subbarayan: That matter has not arisen.

Mr. Satyamurthy: I am asking whether in view of the previous statement of the Minister that he cannot prevent his dept. from preparing evidence he changed and keeps an open mind.

Dr. Subbarayan: It does not mean anything of the kind.

Mr. Satyamurthy: Does he propose to instruct his departments

Dr. Subbarayan: That will be considered.

Mr. Satyamurthy: I take it he means that he has as a constitutional Minister to prevent his department.

Dr. Subbarayan: It does not mean anything of the kind.



Mr. Satyamurthy: Then the Minister will certainly allow the department to prepare evidence.

Dr. Subbarayan: Yes Sir.

Mr. Satyamurthy: (Amidst laughter) It would have saved time if that answer had come earlier. Mr. Satyamurthy asked the reasons for the Minister proposing to act in defiance of the verdict of the Council.

Dr. Subbarayan: According to Devolution Rule 5.

Mr. Satyamurthy: That rule refers only to returns to the Govt. of India. How does it refer either expressly or impliedly to the Royal Commission and cast upon the Minister's duty of preparing evidence?

Dr. Subbarayan: The Governor General has asked us for a particular information.

Mr. Satyamurthy: Does the Minister then feel that he has no discretion in the matter and is bound to carry orders of the Governor-General in Council and that if he had discretion he would decide otherwise?

Dr. Subbarayan: It does not follow.

Mr. Satyamurthy: Apart from Devolution Rules may I take it that the Minister is acting on his own responsibility. Whether the materials now being prepared are for the submission to the Governor General in Council?

Dr. Subbarayan: Yes, Sir.

Mr. Satyamurthy: Are they supplied to both the Commission and the India Government?

Dr. Subbarayan: I cannot say.

Mr. Satyamurthy: Has the Minister issued any instructions?

Dr. Subbarayan: No instructions have been issued.

Mr. Satyamurthy: Have not the departments been asked to prepare evidence?

Dr. Subbarayan: Not by the Ministers.

Mr. Satyamurthy: Then by whom?

Dr. Subbarayan: Notice.

Mr. Bashier Ahamed, Swarajist: Is the Minister going to act according to the letter of the Govt. or according to the vote of the House?

Dr. Subbarayan: As long as Ministers are members of the Govt. of Madras they are bound to supply the information which the Govt. of India require.

Mr. Baktavatsalu: Does that mean that Dr. Subbarayan has nothing to do with the House or its vote?

Dr. Subbarayan: I never said anything of that kind.

Mr. Satyamurthy: Does the Hon'ble Minister consider there is inconsistency in his position as Minister responsible to the House and as member of the Govt. If he feels so, why has he chosen to act up to Devolution Rule 5 and not the vote of the House?

Dr. Subbarayan: I never thought they were inconsistent.

Mr. T. C. Srinivasa Iyengar: In view of his obligation as Minister what did he do to advise His Excellency the Governor with regard to giving effect to the resolution of the House?

Dr. Subbarayan: I cannot answer the question.

Mr. Hamid Khan: May I point out that a similar resolution arose in the C. P. and Ministers there did not give preference to Devolution Rule over the vote of the House?

Dr. Subbarayan: I have nothing to do with the action of the Ministers in the C. P.

Mr. Anjanayelu: May I know if the Minister is aware that the vote of this House is binding upon him and his colleagues?

Dr. Subbarayan: I am not aware (Laughter.)

The Minister for Public Health, the Hon'ble Mr. S. Muthaya Mudaliar in his turn read a typewritten reply. He said that Ministers have nothing to do with the preparation of materials.

Mr. Satyamurthy: Does not the Minister feel that his (Muthaya Mudaliar's) vote on the Commission "As at present constituted" is inconsistent with making his department prepare evidence?

The Minister: The question is not on a matter of fact, but calls for opinion, hence it does not arise.

Mr. Satyamurthy: It is the President who should rule, not for a Minister to say that.

The President said the question did not call for opinion.

The Minister: I don't see any inconsistency.

Mr. Satyamurthy : By allowing departments to prepare evidence is he carrying out the vote of the House including his own vote in favour of the boycott ?

The Minister : The chief Minister has already answered that no instructions have been issued.

Mr. Satyamurthy : Is he aware that the departments under him are now engaged in preparing evidence ?

The Minister : Notice.

Mr. Satyamurthy : If he is called upon, will he countermand that order ?

The Minister : It is a matter for the future.

Mr. T. C. Srinivasa Aiyengar : I want to know, Sir, if he sticks to his views then expressed by his vote, or has he changed it ?

Minister : The opinions which I then expressed and which I now express are, according to time, not inconsistent.

Mr. Anjaneyalu : May I know whether the second Minister made any statement to any body that he has changed his views ?

Minister : That is a matter which I am afraid I cannot divulge.

(Voices: why ?)

Mr. Satyamurthy : May I ask him categorically whether he did, or did not tell somebody (I am not prepared to reveal the name) that he undertook not to oppose the Commission ?

Minister : It is a question which is confidential between His Excellency the Governor and myself.

When the third Minister also read out his typewritten reply it was 12 and interpellations were over and amidst the laughter of the House Mr. Sethurathnam resumed his seat. Just at that time Mr. Slater, Labour Commissioner entered the Chamber and Sami Venkatachallam asked permission of the President as a special case to put questions to him regarding the pressure on the nominated member. The President with the consent of the leader of the House fixed three in the afternoon for it and then passed on to other items on the agenda. After passing some demands the Council rose for lunch at one.

When the Council reassembled at three Mr. Slater was not present. He came in only at 3-40 when the House was considering some demands, amidst the laughter from the opposition benches. Swami Venkatachalam drew the attention of the President to Mr. Slater's presence but the President said they could not put question at that time. After carrying four or 5 demand the Council was prorogued.

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# The Bengal Legislative Council

The autumn session of the Bengal Council met at Calcutta on the 7th *FEBRUARY* 1928. The Swarajist benches were empty, although about eight or nine Swarajists including Mr. Naliniranjan Sircar, the Chief Whip of the party were to be seen in the lobby, just before the meeting commenced.

The President intimated to Mr. Jitendralal Bannerjee, who had given notice of an adjournment motion to discuss the martial disturbances in Calcutta, that His Excellency the Governor, who was out of Calcutta had granted the necessary permission of the admission of the motion. Mr. Bannerjee however decided not to move the adjournment motion in view of the non-attendance of the Swarajists, thereby rendering it impossible to get the necessary thirty members to support him in asking for leave to move the motion.

The President next gave his ruling as to the procedure to be followed in connection with supplementary questions. He said that when notice was asked for, and a member could not give a reply, then it would be treated as a fresh question, and it might be answered at that session or at the next session.

Two official bills were introduced and circulated to elicit non-official opinion. The first bill was the Bengal Village Self-Government Bill introduced by Sir Provash Mitter. The bill authorised the Union Boards to combine to open dispensaries, cattle infirmaries and primary schools.

The Bengal Medical Bill was introduced by the Hon. Moberly. The object of the bill was to make the Council of Medical Registration more representative. The Council then adjourned.

On the 9th *FEBRUARY* there were 52 members present at the opening of the sitting, but as the business proceeded, the House became thinner and thinner till after an hour, the Council had to be adjourned for want of quorum. Swarajists, excepting Mr. Jitendralal Bannerjee and two others, did not attend the Council.

At question-time Mr. Jitendralal and Moulvis Kader Bux and Ekramul Haq (non-Swarajists), put a number of supplementary questions.

There were four non-official bills, three of which fell owing to non-attendance of the movers. Mr. Jitendralal Bannerjee formally introduced his Bill to amend the Bengal Agricultural and Sanitary Improvement Act.

Only one resolution was moved. This was Mr. K. C. Ray Chowdhury's motion urging the Government to put Linotype operators in the Government Press on the permanent grade in regard to pay. After the mover finished his speech, Treasury Benches became empty, and there was want of quorum and so the Council adjourned.

On the 10th *FEBRUARY* a complaint was made by Mr. Abdul Karim regarding the adjournment of the House the previous day, after only one hour's sitting for want of quorum.

Mr. Karim stated that, accustomed as he was to the Council of State atmosphere, which was different, it seemed to him most regrettable that they should proceed in this manner. Members of the House, specially old people like himself, attend at considerable inconvenience, to do some useful work, and not for the sake of mere fun. But, if the Council work was adjourned in the way it was done on Thursday, he thought that it was most unfair.

The President: "I think the best thing for you is to appeal to the members. If they do not turn up, I cannot conduct business."

Mr. Karim: "When I was a member of the Council of State, one day the Leader of the House was absent, and he was taken to task by Sir Alexander Muddiman, the then President. But here yesterday we found that even the Leader of the House, not to speak of the Ministers, was away."

President: "I quite appreciate that. But I cannot take notice of such things unless sufficient grounds are put forward."

Mr. J. L. Bannerjee : "Is it not the duty of a Government member at least to be present?"

President : "It is not for me to say that."

Only three resolutions were discussed, one of which moved by Mr. K. C. Roy Choudhury, Labour Member the previous day, urging the Government to make timescale Lino-operators permanent, was carried in spite of Government opposition.

When the President asked Mr. Jitendralal Bannerjee, the only Swarajist present in the Council, to move the resolution that stood in his name, expressing indignation of the House at the constitution of the Simon Commission, Mr. Bannerjee said ironically "With your permission, I do not want to move this resolution. I find that members of my party are not conspicuous by their presence. Presumably, they are satisfied with the constitution of the Commission."

The Council then adjourned till the 20th instant for want of quorum.

#### THE BUDGET FOR 1928-29

On the 20th FEBRUARY Swarnajists were absent from the Council as usual. Sir John Simon and the members of the Commission were present, but they left before the budget was presented. Attendance was thin. The Hon'ble Mr. A. Munn presenting a deficit budget, in the course of his maiden budget speech, regretted exceedingly that it was not a more satisfactory document. The actuals of the year 1926-27 exhibited a close approximation to the revised estimates of last year.

Turning to the current year, the Finance Member said, a year ago they estimated that their revenue for the year 1927-28 would amount to Rs. 10,71,89,000. Against this, they put the revised estimate at Rs. 10,76,61,000, an increase of nearly five lakhs.

Speaking of the year 1928-29, he said for the revenue side the budget figure for ordinary revenue had been put at Rs. 10,92,61,000. 'Before we can compare this figure with those of the previous years, we must deduct Rs. 8,46,000 on account of the new method of accounting. We thus arrive at a net figure of Rs. 10,84,15,000 as compared with the actuals of Rs. 10,50,60,000 for the year 1926-27 and a revised estimate of Rs. 10,76,61,000 for 1927-28, that is to say our budget figure is 7,54,000 higher than our revised estimate for the current year.

Under loan heads, we have provided for the taking of a loan of 39 lakhs from the Government of India. This sum is for the purpose of financing next year's programme on the following schemes:—Damodar Canal Project, new Council Chamber, Bally Bridge, improvement to Chittagong Port and the Bakreswar Irrigation Project.

Coming to the expenditure for 1928-29 the Finance Member said: "The expenditure which we have provided for in 1928-29 excluding expenditure outside revenue account but including the repayment of advances from the Provincial Loans Fund amounts to Rs. 11,84,51,000, as compared with the current year's budget figure of Rs. 11,13,30,000, and the revised estimate of Rs. 11,99,22,000. Our anticipated expenditure therefore is Rs. 75,29,000 in excess of the revised estimate for the current year, and Rs. 91,90,000 over and above our estimated receipts. I must mention here, however, that the excess of Rs. 75,29,000 includes an item of Rs. 54,47,000 as our contribution to the Government of India. Of the balance, an amount totalling Rs. 8,45,000 is due to changes in classification and a sum amounting to Rs. 16,16,000 is for expenditure. In arriving at the expenditure figures, we have estimated the actual expenditure as closely as we possibly can, and have rigorously excluded all unauthorised items, and of course non-recurring expenditure. When the members of this House come to examine the budget estimates in detail, they will find that we have adhered very closely to the revised estimates for the current year and that we have allowed little variation.

Concluding the Finance Member said he realised that this was an unsatisfactory budget which did justice to no department, and thought that nobody would hold the Ministers or Members responsible for that position. Finally he referred to the Weston Settlement and the vigorous protest of the Bengal Government and said: "We are again addressing the Government of India reiterating our protests against the present financial settlement and our claims for its complete revision. In all probability the question of total revision of the financial settlement will be left to be examined by the Reforms Commission. The members of the Commission are now in India for their preliminary survey of

the position. They will not go into details until the next cold weather, but when that time comes and when the Government of Bengal put their ease before the Commission, one of the most important points they will urge is that the financial settlement was wrong, and treated Bengal most unfairly. It was largely owing to the shortness of funds that the working of the reformed constitution in Bengal has been hampered and that the Ministers have found it so difficult to carry on.

The Government of Bengal will put in the forefront their case—a claim for a complete revision of the financial settlement, at any rate so far as Bengal is concerned; and unless that is done, I am convinced that all parties in the province will be unanimous in thinking that the successful working of the new Constitution will be impossible in Bengal, however good that constitution may be in other ways.

The Council then adjourned till the 29th February.

On the 29th FEBRUARY the general discussion of Bengal's deficit budget commenced with a small attendance of members. The Swarajist benches, which were occupied by a dozen members of the party, when the proceedings opened, were deserted after a little while. It was understood that the members left to attend the party meeting in the after-noon to discuss the "no-confidence" motion against the ministry.

The trend of the non-official criticisms of the budget was a strong emphasis of the precarious state of provincial finances, which was attributed to the Meston Settlement.

According to one member, one of the direct consequences of the Meston Settlement and the resultant financial stringency, was that the Ministers had not the wherewithal to launch any large scheme in the nation-building departments.

Moulvi Abdul Karim said that the Reforms had proved to be an apple of discord. Those who had lived in peace and amity for centuries were now cutting each others throat. They complained that only a small sum was allotted to the nation-building departments, while large sums had been given to the police. They suggested that money should be found for the improvement of education, sanitation and agriculture.

After one and a half hours' sitting, the flow of manuscript eloquence was abruptly stopped for want of quorum.

On the 1st MARCH, the house re-assembling, the President said:

"I came across a paragraph in to-day's *Statesman* which I think I should read to you, for its writer presumptuously pre-supposed my decision with regard to a matter in which you are vitally interested. He drifted away from his responsibility, to invent reasons for such a decision. The attempt in my opinion should not be allowed to go uncondemned. The paragraph runs thus: 'Under the rules the President may or may not allow the discussion of the motion to-day, and the chances are that he will defer the date till the vacant seats have been filled.' I was really shocked, for I could hardly believe that *The Statesman* could actually be led away from the truth by gossip-mongers; and I think it is clearly my duty to give a piece of friendly advice to the editor, namely, that he should exercise more rigorous control over irresponsible contributors."

The galleries were crowded in the expectation that the Swarajists would bring in a censure motion on the Ministers. Some 20 Swarajists headed by Mr. Subhas Chandra Bose were seen sitting in the lobby, and a few went inside the Chamber. But as their number was not large, the motion was not brought.

General discussion of the budget was continued, and eight non-official members took part. Speeches were on the same line as yesterday. Official members did not rise to reply, and the Council was adjourned till the 12th March.

#### VOTING ON BUDGET GRANTS

On the 12th MARCH the Swarajists attended to take part in the voting on grants.

At the outset, the Raja of Santosh, President of the Council, referred to the death of Lord Sinha of Raipur, who was a member of the Council from 1913-16

and also a member of the Executive Council, and said that Lord Sinha made history in 1917, when as an Indian he took part in the momentous deliberations of the War Council and the War-Cabinet which prepared the ground for the foundation of international liberty and peace. Now that Lord Sinha was dead, said the President, in handling the problems of the hour, it was the duty of every Indian to assimilate in his every-day existence the lessons of his life.

The President was authorised to send a condolence message to Lady Sinha in her bereavement.

### DEMAND FOR TENANCY LEGISLATION

The Government's conduct in connection with Tenancy Legislation was severely censured when by the combined strength of the Swarajists, non-official Europeans and Moslems, a token cut of Re. 1 in the demand for 4,743,000 under Land Revenue was carried by 76 to 29 amidst applause.

Initiating the discussion, Mr. J. L. Banerjee referred to the inordinate delay in not introducing the Beugal Tenancy Amendment Act, and observed that if nothing was done early a mass conflagration might begin which would involve not only the zamindars but also the Government.

Twitting the Maharaja of Nadia, Mr. Banerjee said, that being a landlord the Maharaja was in an anomalous position. He was sitting entrenched behind a solid mass of landlordism, with a landlord to the right of him (meaning Nawab Nawab Ali Choudhury), a landlord to the left of him (meaning Sir P. C. Mittra), and if he might be permitted to say a landlord in front of him (meaning the chair (Laughter)).

The President: Do you think, Mr. Banerjee, landlords are incapable of rising to the occasion?

The excise policy of the Government came in for criticism on the motion of Mr. Akhil Dutta, for refusal of the Demand for Rs. 72,000 (superintendence), which was lost and the house adjourned.

On the 14th MARCH two motions reducing demands were discussed and in both the Government sustained defeat.

Under Irrigation a motion reducing the demand for Rs. 1,36,500 by Rs. 100 was carried.

The next demand related to General Administration and referred to a demand for Rs. 22,000 under the head Executive Council. There were two motions, one entirely refusing the demand and the other reducing it by Rs. 100.

The mover of the first motion, Mr. Akhileshandra Dutta (Swarajist), declared that Dyarchy was unworkable. He said that his object was to raise a constitutional issue. It had been pointed out several times by ex-Ministers and ex-Executive Councillors that dyarchy was not only objectionable but unworkable. Even Lord Lytton at the time of his departure had remarked that efficient government under the present system was impossible. "We want the Bengal Government to tell the Simon Commission that the people are not only opposed to it, but we want the Government to say to them that dyarchy must go and a unitary system of Government responsible to the legislature must be introduced."

In reply the Home Member remarked that it was unfair to ask the Government to say to the Commission that they were not wanted. If Mr. Dutta and his Swarajist friends wanted a change of the government, surely his eloquence would be much better received by the Commission than through the imperfect agency of the Government. He suggested that the Swarajists should reconsider their attitude towards the Commission: and if they wanted the system of Government to be changed, they must enter their protest before the Commission itself. Eventually Mr. Dutta's motion was lost.

Moving a cut of Rs. 100 in the demand for Rs. 22,000 under the head "Executive Council," Mr. Naliniranjan Sarkar said that it was high time that there should be an end to the present system of Government. The attitude of the Government and their promises regarding the interners were sickening. The Executive Council was a negation of the essential principles of Government. They should no longer live under the dispensation of the Executive Council.

Mr. S. C. Basu (Swarajist from Burdwan) raised an interesting question that the appointment of more than one executive councillor was ultra vires under the rules. The Act made provision for one executive councillor, and said the executive councillors might be appointed under rules to be made thereafter. No Such rules

had been made, and therefore anything outside the rules could not come within the budget; and the existence of more than one executive councillor was unconstitutional.

Mr. Moberly replying said that section 47 (3) of the Government of India Act laid down that provision might be made by the rules under the Act as to the qualifications to be required. To the best of his knowledge, no such rules had been made, and no such special qualifications were required. (Ironical Swarajist cheers).

The motion of Mr. Sarkar was carried by 51 votes to 50. The House adjourned.

On the 15th MARCH the Government sustained another defeat over the Kulkati issue, when a cut of Rs. 100 in the demand of the Home Member for the Executive Council was adopted by 61 to 43 votes, amidst non-official cheers.

The House reiterated its desire to have an open non-official enquiry into the Kulkati firing, as well as into the conduct of Mr. Blandy, the District Magistrate.

Swarajists headed by Mr. Sen Gupta supported the motion, to settle once for all whether the firing was justified or not. Mr. Travers, on behalf of non-official Europeans, was for a departmental enquiry.

The Home Member, while replying, was heckled by the Swarajists and supporters of the motion.

#### MINISTER'S SALARIES

At 4-30 Mr. Akhil Chandra Dutt moved that the demand of Rs. 146,000 under the head "Ministers" be refused.

Mr. Dutt said that during the last 8 years on no single occasion had the Ministers voted with the people. They had always sided with the Government, whether in the matter of repressive legislation or in regard to the treatment of political prisoners. They were obstructing progress. The sooner the Dyarchy under which they thrived was killed, the better it would be for all concerned.

Proceedings were lively and the speakers opposing the motion were greeted with ironical cheers from the Swarajists.

Mr. J. L. Banerjee, in supporting the motion, said that the Government refused to profit by past experience. Had not Bengal pronounced the doom of Dyarchy in unmistakable terms?

Representing non-official Europeans, Mr. Travers said that Dyarchy was capable of doing social good, and it was on that ground that they would support the Ministers.

Mr. Bejoy Krishna Bose criticised the Ministers as flouting the public opinion.

Referring to Sir P. C. Mitter, he said that Sir P. C. Mitter was not a true Liberal; otherwise he could not have gone against the Liberal Party in the matter of the Statutory Commission. Mr. Bose had not finished when the Council adjourned.

Next day, the 16th MARCH Mr. Bose, resuming his speech, said that the Ministers had no power to lay down any policy. Mr. Bose asked whether the Education Minister had the support of the Moslem community behind him.

Mr. Abdul Karim, though not enamoured of dyarchy, thought that some useful work might be done provided the right men were put into office. He would vote for the Ministers' salaries because the mandate of his constituency was to co-operate with the Government.

Mr. T. E. James said that they should not consider personalities. In spite of its defects, dyarchy was responsible for some good measures. The Swarajists could not point to any such achievement. (Ironical cheers from Swarajists). Dyarchy gave them the Calcutta Municipal Act but for which the Swarajists would not be as strong to-day as they were. (Renewed ironical cheers.)

Mr. Sarat C. Bose, speaking ironically, said that he would like to add one more achievement to the list of achievements of the Ministers who worked dyarchy during the first three years. This, he was sure, would add a feather to the cap of the present Minister, who was then the Minister of Education (meaning Sir Provash). In his evidence before the Muddiman Committee, in reply to a question by the Maharaja of Burdwan as to why no progress was made regarding the Calcutta University, although their party was in power, Sir P. C. Mitter had said that it was the interference of the Chancellor that placed Sir Provash in the greatest difficulty. Mr. Sarat Bose remarked that the House would agree that this was the best achievement to the credit of the Minister. (Ironical Swarajist cheers).

Mr. Abul Kasim opposing, amidst ironical Swarajist cheers, the rejection motion, uttered a note of warning, saying that the causes responsible for the failure of dyarchy in Bengal would persist even when autonomy was granted.

#### SIR P. C. MITTER'S REPLY TO THE DEBATE

Sir P. C. Mitter, in reply, pointed out that the motion being against Dyarchy, he would not deal with the personal issues introduced. The main issue was whether they could get any good out of it. Could they get rid of dyarchy, to-day, to-morrow or even within the next three years? That was the main issue, and his answer was an emphatic "No" (Swarajists remarking: Yes, if you vote with us.) He had sat at the feet of Gokhale and Tilak (A voice: At the feet of Rowlatt).

Sir P. C. Mitter: Yes, I have, and since my friends are so anxious to remind me of that I might tell them it does not touch me.

The speaker said the lesson which he learnt from the lives of Gokhale and Tilak, was that he must try to extract some good out of Dyarchy, unsatisfactory though it might be. Replying to the charge of unworthiness, he mentioned his scheme of rural water supply committing the Government to a loan policy involving a crore of rupees.

Mr. Subash Bose: What about the Simon Commission?

Mr. K. S. Ray: What are your views on the Commission?

Sir P. C. Mitter: May I proceed Sir?

Mr. Sarat C. Bose: Let us have your views on the Simon Commission.

The Minister avoided the point and resumed his seat.

Mr. Moberly said that the vote would decide for the next twelve months whether there should be any Ministers in Bengal or not. Replying to the Swarajists' interjections, Mr. Moberly said if the motion was passed they would have no chance of passing a vote of "no-confidence." Ministers must have time to understand their work. Turn the Ministers out if incompetent, but let them have chance. He repudiated the suggestion that the Finance Member had power to turn down proposals or schemes of the Ministers.

Replying to the charge that the Governor had selected a Minister who had no following, he asked whether those who had a following were prepared to accept office permanently. Lord Lytton sent for Mr. C. R. Das, and Sir Stanley Jackson for the Leader of the Opposition. They wanted Ministers from those who had the support of the majority of the elected members. Referring to the constitutional issue raised, Mr. Moberly said there was one genuine and constitutional way and that was to go to the Simon Commission direct. (Voices: We have boycotted it). Mere negation, mere denial of the rights of Parliament, was not the way to get what they wanted. The best way was to tell the Commission exactly what they wanted.

The House by 51 to 50 votes carried Mr. Sarkar's cut motion of Rs. 100 amidst non-official cheers.

The Council then proceeded to discuss other grants. After passing the demands for the "Legislative Council" and "Justice," the Council adjourned.

#### CENSURE ON JAIL ADMINISTRATION

On the 17th MARCH the treatment of political prisoners in jails was raised by Mr. J. L. Banerjee who moved a token cut of Re. 1 in the demand under jails and Convict Settlements.

Mr. B. K. Bose referred to the recommendation of the Jail Committee regarding political prisoners, and characterised them as most unsympathetic.

Mr. Banerjee's motion was carried by 44 to 41 votes, amidst thundering Swarajist cheers.

The Government sustained another defeat when by 48 to 41 the House censured the district Jail Administration of Bengal.

#### POLICE CONDUCT ON HARTAL DAY

On the 19th MARCH the conduct of the Calcutta Police on the hartal day on the 23rd February, when the Simon Commission arrived in Bombay, was discussed for three hours when four motions for cuts in the Presidency Police demand were moved.



Mr. B. K. Bose, Swarajist, condemned the conduct of the Police in raiding educational institutions and arresting innocent persons.

Mr. F. E. James, a European non-official eye-witness of some of the incidents on the hartal day, declared that attempts were made to force the people to observe hartal. He did not blame the students who participated in the disorders because they had been exploited by a political party which excited racial hatred. The Police was subjected to continuous provocation, and they had been on duty the whole day without food.

Dr. Bidhan Chandra Roy, Swarajist, after giving instances of alleged Police highhandedness, said that Congress members and volunteers had nothing to do with the excesses on the hartal day. The Police Commissioner found tramcars and buses deserted and he had no justification to keep up the show, and make policemen guard the cars. He could have stopped the running trams and avoided many unfortunate incidents. Before declaring hartal, the leaders instructed the volunteers to observe non-violence. The Congress members knew that the crowd could not be controlled in the ordinary way, and had given definite instructions to the workers and volunteers. As regards exploitation of the students Mr. Roy observed that they had learnt it from the West. In every European country, students took a lead in political agitation and demonstration.

Mr. S. C. Bose said that Mr. James, for the sake of his own countrymen, should give up his attitude. As regards exciting racial hatred history stated that after the Mutiny racial hatred was first instilled by the Britishers. They taught Hindus that Moslems should be suppressed, for the part they took in the Mutiny. Again, after the Bengal partition, Sir Bampfylde Fuller taught that the Hindus should be suppressed. As to students taking part in politics, the Britishers were responsible for it. The discomfiture of Englishmen at the failure of their attempt to induce people to support the Simon Commission, led them to say that it was sedition to urge boycott. He could not understand what sort of exploitation Mr. James meant but he reminded him that Lord Curzon had said that administration and exploitation must go hand in hand. Congressmen were not ashamed of advising students to observe hartal. If students had been left to themselves on the hartal day, the Police would have found to their annoyance that the hartal had passed off peacefully. Many wrongs were being done in the name of peace and order.

#### GOVT. DEFEAT IN POLICE DEMAND

On the 20th MARCH the Government was defeated twice when two cuts were made in the Calcutta police demand.

Mr. A. N. Moberly, Home Member, expressed regret that the debate had taken a racial and communal turn. Regarding the riots of 1926, he said that during the riots the Police was abused by both the Hindus and the Mahomedans, which clearly showed that the police did not take sides. Referring to the remarks made by Mr. S. C. Bose that Lord Curzon in a speech had said that exploitation and administration should go hand in hand, Mr. Moberly said that Lord Curzon used the word "Exploitation" to mean development of the resources of the country for the benefit of the people and not in any sense of taking advantage of the people.

Referring to the charges of extravagance and inefficiency, Mr. Moberly said that the Police force in Calcutta was not excessive, but really inadequate in cases of emergency. If the demand was decreased, the Police would be incapable of dealing with riots. The Government were paying due regard to economy, wherever possible.

Regarding the hartal incidents, Mr. Moberly said the Government attitude was not to interfere with those who observed hartal voluntarily. They interfered only when persons forcibly urged others to abstain from doing their usual work. The police had no interest in breaking peaceful hartal or in causing injury to men. The police knew well what dangerous consequences would ensue the disturbances. Inoffensive persons when mixed up with the crowd were treated as rioters and this happened in every country. No one regretted more than the Government the hartal incidents.

The motion urging reduction of Rs. 100 in the Calcutta police demand in which the question of inadequacy of Mahomedans in the force was raised, was carried by nine votes.

Another motion urging a cut of one rupee in which the question of hartal was raised was carried by a majority of eleven votes.

There was another motion refusing the demand of one lakh under the head "Criminal Investigation Department Secret Service," which was negatived.

### CALCUTTA PORT SERVICE

The Swarajists defeated the Government by a large majority on the motion reducing the demand of Rs. 5,91,000 under the head "Ports Pilotage" by Rs. 100. Mr. S. C. Bose (Swarajist) urged the Indianisation of the Port Trust Service, and said that they did not object to the appointment of Englishmen, who made India their home. They objected to "itinerant colonisation" by Europeans. The Calcutta Port Trust existed to find a market for British manufactures, he declared.

The Finance Member, replying on behalf of the Government, said the Calcutta Port Trust was administered by 19 elected Commissioners and the Government had got very little control over the Port Trust.

The motion was carried, 61 voting for and 40 against.

The Council next took up the demand of Rs. 12,89,000 under "Education" reserved, and discussed the token cut of Re. 1 in the demand for non-Government primary schools for Europeans and Anglo-Indians. Discussion was not over, when the Council adjourned.

### "NO-CONFIDENCE" MOTION LOST

On the 21st MARCH, in a full House with overcrowded galleries, the Maharaja of Mysnasingh moved his "No-Confidence" motion against the Ministers.

The Maharaja, at the outset, assured the House that his views towards dyarchy remained unchanged. He knew that this form of Government was only transitory, and that they would lose nothing by working this transitory form of Government. The present Ministry was formed with Ministers from different parties with no definite policy. He did not accept the suggestion that no new Ministry could be formed.

Mr. B. K. Bose (Swarajist) said that they did not believe in dyarchy. They were not going to be deluded by the guilded political show styled Reforms. Dyarchy was a transitional measure and unworkable. Put into office by white bureaucrats the Ministers had no following. He next raised the issue of the Simon Commission, whose boycott was supported by prominent Liberals all over the country. Was Sir P. C. Mitter, Minister for Self-Government, willing to abide by the decision of his party?

Mr. Travers, a non-official European member, said that they had always considered it their duty to see that the constitution functioned, and they had always tried their best to support the Ministry and was doing so now, because the biggest party in the House was making one more effort to wreck the Ministry and because they (the Europeans) had confidence in the present Ministers. They were tired of the small groups which always were shifting and changing. If this Ministry was driven out, they (Europeans) would not be able to support the next Ministry if it was formed. Unless there was a stable ministry, there was no hope of good work being done in the nation-building departments.

Prof. Jitendralal Banerjee (Swarajist) after saying that they were bound to wreck Dyarchy, observed that he doubted the *bona fides* of to-day's motion. The sponsor of the motion had never voted with them previously, and was anxious to get into power.

Nawab Musharaff Hossain, Minister, stated that during his five months of office, he had completed the Primary Education and the University Bills.

Mr. J. M. Sen Gupta repudiated the charges against the mover by one who owed his seat to the Government. The Ministers, he stated, had not the support of the elected Indians. He did not care from what motive the motion was moved. As Congressmen they were bound to support it. The Minister was supported by the Europeans and the officials.

Mr. S. C. Bose (Swarajist) dissociated himself from the remarks of Mr. Jitendralal Banerjee about the mover of the motion.

Sir Provash Chandra Mitter, Minister, said that they had done nothing against the interest of the country. The Ministers advanced the cause of the country under very great difficulties. They could not proclaim their policy till it was accepted by Government as a whole. True, he had condemned dyarchy before; but he had always said that, however unsatisfactory dyarchy was, it was possible

to extract some good out of it. He could not understand why the non-Swarajists were emulating the Swarajists in supporting this motion.

The Council rejected the no-confidence motion against Sir Provash Chandra Mitter by 65 votes against 60.

The Council next rejected the no-confidence motion against Nawab Mosharuff Hussain, by 66 votes against 60.

### THE EDUCATION DEMAND

On the 22nd MARCH the Council discussed motions for the reduction and refusal of Budget demands under European Education. All "cut" proposals were negatived and the demand of Rs. 12,89,000 under this head was granted.

On a demand of Rs. 1,16,33,000 under Education (Transferred), a motion refusing the salary of the Vice-Chancellor of the Calcutta University (Rs. 17,500 for seven months) evoked much discussion.

The mover Mr. Saral Kumar Dutt said that since the creation of the post 70 years ago, it had been honorary. There was no necessity for a salaried Vice-Chancellor for the latter would be under the control of the Government and hinder the growth of the University.

Dr. Banerjee objected to a paid Vice-Chancellor on the ground of economy. It would bring the University into the quagmire of party politics.

The Education Minister opposed the motion and said that the idea of a paid Vice-Chancellor originated from the recommendations of the Sadler Commission. The other Universities had paid Vice-Chancellors.

Sir Abdur Rahim opined that the proposal would bring the maximum amount of friction in the working of the University.

Mr. J. E. James wanted to know the exact nature of the emergency for the proposal for a paid Vice-Chancellor.

Eventually the motion was carried.

The next motion was for a token cut of Re. 1 in the demand under "grants" for the Calcutta University. The object of the motion was to draw attention to the inadequate grant made to the Calcutta University.

The Minister replying said that the Government were enquiring into the needs of the Calcutta University, after which the exact amount of grant to be given would be fixed. The House then adjourned.

On the 26th MARCH, further discussion on the education demand was resumed and after two cut motions have been lost and one withdrawn, the entire demand of Rs. 1,16,33,000 as amended in the Council was put to the vote. The motion was carried, 43 voting for and 40 against it.

### MEDICAL GRANT.

The Hon. Sir Provash Chunder Mitter then moved that a sum of Rs. 48,91,000 be granted for expenditure under the head 'Medical'.

Mr. Nalini Ranjan Sircar on behalf of Dr. Kumud Sankar Roy moved that the demand of Rs. 6,19,000 under the head Medical Settlement be reduced by Re 1.

The motion was lost 33 voting for and 40 against.

Dr. Kumud Sankar Roy moved that the demand of Rs. 24,17,500 under the head Hospitals and Dispensaries be reduced by Re 1. He drew the attention of the Government to the two important problems (1) beggar problem and (2) Tuberculosis problem which carried away a lakh of people every year.

The amendment was lost and the main demand was carried.

### RURAL WATER SUPPLY

An important announcement outlining the scheme of rural water supply in Bengal was made by Sir Provash Chandra Mitter.

The debate arose out of the demand moved by the Hon. Minister for a sum of Rs. 37,14,003 for expenditure under the head "Public Health".

Mr. J. N. Chakravarty moved for a token cut of Rs. 7,82,000 under the head "Public Health Establishment."

The token cut was lost and the House agreed to the original demand.

The House was discussing the demand under the head "Agriculture," when it adjourned till the next day, the 27th MARCH when after several reduction motions have been lost the original demand was granted.

## INDUSTRIAL DEVELOPMENT.

On the 27th MARCH the remainder of the Bengal Budget demands were granted by the Council without discussion.

A token cut of Re. 1 to the Industries demand was moved, urging the establishment of industrial schools in every district for the education of young men which would solve the unemployment question.

The Minister, replying, said the Government were considering important schemes relating to industries and it was hoped to present a budget next year, which would help the advance of the industrial development of Bengal. He was prepared to start experimentally a polytechnic but no industry would succeed, unless it stood the test of competition. The amendment was lost and the original demand that a sum of Rs. 12,36,000 be granted was carried.

## SIMON COMMISSION RESOLUTION WITHDRAWN

On the 28th MARCH a resolution which was to have been moved by the Hon'ble Maharaja of Nadia with regard to the Simon Commission was withdrawn for the present and the Council was prorogued.

The Hon'ble Maharaja said that in view of the fact that different groups of the House had approached the Government, and also in due deference to the wishes of the various groups, the resolution standing in his name would not be moved at present. In order to give them sufficient time to consider the question the government decided to withdraw the resolution and not to move the resolution this session. He however stated that the Government would bring forward the resolution at the earliest possible opportunity at the next session. "The resolution has not been moved. I have the command of His Excellency the Governor to announce that the Council stands adjourned".

The resolution which stood in the name of the Hon'ble Maharaja of Nadia ran thus:—  
"That this Council recommends to the Government that steps be taken to give effect to the proposal of the Statutory Commission that a Committee of the Legislative Council be appointed to assist the Commission."

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## The U. P. Legislative Council

The spring session of the United Provinces Legislative Council commenced in the new Council House, Lucknow on the 22nd FEBRUARY 1928 with the Hon. Rai Sita Ram Bahadur, President, in the chair. In view of an exciting and interesting debate which was expected to ensue on the Simon Commission boycott resolution which appeared in to-day's agenda in the name of Pandit Badri Datt Pande (Swarajist), all the galleries intended for visitors and strangers were fully occupied and the special gallery reserved for ladies was particularly overcrowded.

There was a record attendance of members. Out of 121 members who could possibly have attended, as many as 115 were present. This was entirely due to the fact that the first item on to-day's agenda was a resolution standing against the name of a Swarajist member to the effect that the present constitution and the Statutory Commission were wholly unacceptable to this Council and it would have nothing to do with the Commission at any stage and in any form. It was anticipated that there would be a keen debate on the resolution. It was, however, a sad disappointment to the expectant visitors to hear, immediately after the question time, the statement from the Swarajist benches that they had decided not to move the resolution of the boycott of the Commission to-day. This announcement was followed by the withdrawal of the Swarajist members from the hall and the emptying of the visitors' galleries.

## ENQUIRY INTO JAIL ADMINISTRATION

One of the resolutions to-day urged the appointment of a committee of nine,

of whom six should be elected non-official members to enquire into and report upon jail administration in general and the treatment of prisoners, ordinary or political, with a view to suggesting measures of reform. An amendment was proposed by Mr. Ahmed Shah to the effect that the Committee should contain a strong non-official element, but its numerical strength and composition should be left in the hands of Government.

The Nawab of Chattari, Home Member, opposed the resolution, but approved of the amendment. He pointed out that Government were of their own accord introducing considerable improvements in jail administration. Vocational education had been introduced in certain jails and everywhere special attention was being paid to the condition of the prisoners' health. If the Council wanted a committee to examine the matter in detail he would gladly agree, but in fairness to him the Council should leave the choice of the Committee's personnel to Government. Soon after the Home Member's statement the resolution was withdrawn and the Council adjourned for the day.

On the 23rd FEBRUARY the Council had a very short sitting during which two nonofficial resolutions were carried against Government opposition. The first related to the extension of Muharram holidays from seven to ten days in all civil courts and the second urged the necessity for penalizing the sale of adulterated Ghee. There were two other resolutions on the agenda which were deemed to have been withdrawn in the absence of Babu Kishori Prasad and Pandit Shri Sadayatan Pande, who had given notice of their intention to move them. The attendance of non-official members was rather thin, the Swarajists being absent. Only half a dozen Swarajists were present when the Council met but they walked out immediately after question-time, which took less than ten minutes.

#### BOYCOTT OF SIMON COMMISSION

On the 24th FEBRUARY the commission boycott resolution was moved in the Council, but the final decision on the question was postponed till the next day when the debate was resumed and the resolution voted upon. Every inch of space in the visitors' galleries was occupied.

Among the distinguished visitors were the Maharaja of Mahmudabad and Raja Sir Rampal Singh and the Nawab of Karnal.

#### DEPUTY AND ASSISTANT POLICE SUPERINTENDENTS

Earlier in the day the Council discussed a non-official resolution at some length and eventually rejected it by 43 votes against 34, the Swarajists taking no part.

Mr. C. Y. Chintamani moved that the Governor-in-Council should take steps to amalgamate the cadres of Assistant and Deputy Superintendents of Police, and to remove, as far as possible, the invidious distinction between those two classes of officers.

The mover's contentions were that the distinction between Assistant and Deputy Superintendents of Police, was based mostly on racial grounds. It was not possible for the Local Government to decide the issue on their own authority, and that was the reason why he asked them to take the necessary steps.

Kunwar Jagadish Prasad, Chief Secretary, and the Nawab of Chattari, the Home Member, both opposed the resolution pointing out that no racial discrimination was involved, but that the differences were due to one being an All India Service, and the other a Provincial Service. These differences existed in other branches of the Executive services as well. As for amalgamation, it was a matter for decision by the Secretary of State and not by the Local Government. The resolution, as stated before, was pressed to a division, and rejected by the House.

#### THE BOYCOTT RESOLUTION

Mr. Mukandilal, Swarajist Deputy President, then moved the boycott resolution, which was word for word a repetition of the Assembly resolution, and advanced six grounds for total non-co-operation with the Simon Commission.

The resolution ran as follows:—

"That this Council recommends to the Government to inform the Governor-

General in Council and His Majesty's Government in England, that the present constitution and scheme of the Statutory Commission are wholly unacceptable to it, and that it will have nothing to do with the Commission at any stage and in any form."

The mover's principal arguments were that Briatin had since 1919 turned a deaf ear of India's legitimate demands and aspirations, that self-determination was the hithright to India, that the Commission was only an eyewash, the British Cabinet having already arrived at certain conclusions regarding India, and that the Commission was out only to widen communal and other differences which already existed to the misfortune of India, and finally that India's only reply to Lord Birkenhead's insolent threats was utter indifference to the activities of the Statutory Commission. Mr. Mukandilal's appeal to the Muslim members was that the Hindus and Muslims in India could expect much more from each other than from the all-British Commission.

He was followed by Mirza Sajjad Ali Khan (*nominated*), who failed to see any reason why an impartial Commission of enquiry should be boycotted, purely because of its composition. In his opinion it was difficult to have a Commission truly representative of India's numerous interests.

Pandit Badri Dutt Pande (*Swarajist*) was firmly of the opinion that if any section of the community aspired to gain small benefits by co-operating with the Commission, it would not only mar the prospects of India as a whole, but also ruin its own bigger interests. For the benefit of the Muslim members who had issued a manifesto against boycott, Mr. Pande mentioned the part played by Britain against Morocco, Tripoli, Egypt, Turkey, Persia and Iraq.

The Hon'ble Mr. George Lambert advised the Council not to take hasty decision in regard to its attitude towards the Statutory Commission. As affairs stood at present, he would advance no arguments for or against the resolution. His only suggestion was that no decision be taken on the matter just at present, because there was no occasion for it. This Council would not be asked to select any committee to sit with the Commission until August or September next. Further developments might take place between now and then. In the world of politics, the unexpected did happen now and again. Why should this Council bind itself in any shape or form just at present? He would not assert, but thought that the resolution had been tabled in haste in furtherance of a movement which had its origin outside the Council. He was afraid the discussion of the resolution at this stage was not fair to the members of the Council. If, however, the bulk of the elected members were firmly of the opinion that whatever might happen, however much things might alter within the next five months, they would not, under any circumstances, co-operate with the Commission, then, of course, the resolution might as well be discussed now. But that was not, so far as he could judge, the attitude of the majority of Indians. Why then should the Council commit itself now?

The Council was adjourned at this stage, and the debate postponed.

On the 25th FEBRUARY the debate was continued till late in the afternoon, when closure was moved and accepted. The House divided, with the result that 56 members voted for the resolution and 55 against it.

The President declared in the beginning that the resolution was lost, the division figures being 56 against and 55 for.

The announcement was received with cheers from one section of the House; but immediately afterwards the President corrected himself, and announced the correct result. There was an uproar. Some Swarajist members raised the cry of "Mahatma Gandhi-ki-Jai", and the cry was echoed and re-echoed not only from the Opposition benches but also from some of the visitors' galleries. For full ten minutes there was practically no order in the Council chamber. The President rose repeatedly, and eventually order was restored.

An analysis of the voting was as follows:—Ayes 56, Noes 55; Neutrals 5 and absentees 5. Two of the three Ministers\*, namely, Rai Rajeswar Bali and Thakur Rajendra Singh observed neutrality; while the third Minister, Nawab Yusuf voted against the resolution. There was considerable heat and tension in the debate. The Council then adjourned.

\* As an aftermath to this the two Ministers resigned. See p. . . 322

On the 27th FEBRUARY two non-official resolutions were discussed. The first resolution recommended to the Government to appoint a Committee consisting of three non-officials and two official members of the Council, to collect statistics of middle class unemployment, and to enquire into its causes and suggest ways and means to relieve it.

Rai Rajeswar Bali, Minister of Education, stated that the problem of unemployment among the educated classes was receiving the careful attention of the Government and a Committee consisting of certain departmental head was already making detailed enquiries. There was at present no necessity for appointing another Committee. The resolution after some discussion was passed without a division.

The second resolution urged upon the Government to introduce bills to amend the existing District Boards and Municipalities Acts, with a view to remove the control exercised over local bodies by the Divisional Commissioner and the District Magistrates.

Nawab Yusuf, Minister for Local Self-Government, opposing the resolution, pointed out that under the provision of the existing Acts, Divisional Commissioners and District Officers had very little control over local bodies. The control was limited only to matters of routine inspection and emergency that were absolutely necessary and essential for the welfare of the local bodies themselves.

The resolution was pressed to a division, and rejected by 31 votes against 21.

On the 28th FEBRUARY hardly 30 no-official members were present. It was purely an official day, the primary business being the voting of supplementary demands for the current financial year and the consideration and passage of the Bill to amend the U. P. District Boards Act of 1922.

Supplementary estimates under different heads aggregating to over 25 lakhs, of which nearly 18 lakhs were for Irrigation Expenditure not charged to revenue, were voted by the Council.

The only token cut of the item concerning the Government Printing Press was adopted as a protest against the Government's refusal to comply with the request of the House Committee of the Council that all Government publications, should be supplied free of cost and postage to every member of the Council. The token cut was adopted by 29 votes against 21.

The Bill to amend the District Boards Act of 1922 introduced by Rai Rajeswar Bali, Education Minister, was passed unanimously.

The Bill makes it obligatory on the part of District Boards to constitute Education Committees to exercise, discharge and perform all powers, duties and functions of the Boards in regard to educational matters with some exceptions relating to Budgets.

At the conclusion of the official business the Council adjourned.

#### THE FINANCIAL STATEMENT FOR 1928-29.

On the 3rd MARCH the Hon'ble Mr. George Lambert, Finance Member, presented his first budget. In doing so, he first dealt with the financial position of the Province in the current year and the year before. In 1926-27 there was a large difference between the revised estimate of the year and the actual expenditure finally reported. The revised estimate of 1926-27 assumed that the current year 1927-28 would open with a balance of just under 16 lakhs. The actuals on the contrary showed a deficit of nearly 46 lakhs. In other words, the opening balance of 1927-28 was 62 lakhs less than what was anticipated when the current year's budget was prepared. Secondly, according to the revised estimates of the current year, receipts were better than the budget estimate by 25 lakhs, while disbursements rose by 63 lakhs. The net result was that the closing balance of Rs. 126 and half lakhs forecasted in the original budget of 1927-28 had, according to the revised estimate, fallen to about Rs. 27 lakhs. With this balance the figures for the budget year 1928-29 were: total revenue Rs. 12,47,49,000 and debt head receipts for capital outlay Rs. 2,91,15,000. These two items together with the opening balance of Rs. 26,93,000 brought up the grand total of revenue and the receipts in 1928-29 to Rs. 15,66,57,000.

On the expenditure side the figures were Rs. 12,43,83,000 for revenue charges, and Rs. 27,83,34,000 debt head disbursement. In other words, the total disbursements amounted to Rs. 15,22,17,000 only.

The budget for 1928-29 provided for a closing balance of Rs. 43,40,000. This

balance was composed of Rs. 20,00,000 belonging to the Famine Insurance Fund, and Rs. 23,40,000 belonging to the ordinary revenue balance. The expenditure in the budget included Rs. 51,00,000 on account of contribution to the Central Government. Should this be remitted, as had been proposed in the Assembly the closing balance would go up to 95 lakhs. In the event of a total remission of the contribution to the Central Government materialising, it was proposed to utilise part of the available balance for the items of new expenditure. The total sum allotted for these new items amounted to just over 22 lakhs would go to the Transferred Departments.

### GENERAL DISCUSSION OF THE BUDGET

On the 10th MARCH when the Council re-assembled after a week's holiday fitting reference was made to the late Lord Sinha.

Khan Bahadur Moulvi Fasiluddin then opened the general discussion of the Budget. He thought that Mr. George Lambert's Budget Statement was characteristic of himself—intensely terse and outspoken. The speaker was glad that for once the United Province's Budget was really a revenue surplus budget, the closing balance being also satisfactory. After several years some contribution had been made to the Famine Insurance Fund. The Provincial Budget might be a mere gamble on the rains, but that did not in any way justify a gambling spirit in the Finance Department. Unless it was reckless gambling, there was no explanation for the wide divergence in the estimates and actuals of the 1926-27 Budget. In regard to the Budget under discussion, its dark phase was its expenditure side. Reserved expenditure showed a substantial increase, while there was an actual cutting down of Transferred items.

Mr. E. M. Souter congratulated the Finance Member on his first Budget. He suggested the enhancement of the stamp duty and of court fees.

Several other members also approved of the Budget. Babu Shyam Lal regretted that the Transferred Department had been treated in a step-motherly fashion.

Khan Bahadur Hafiz Hidayet Hussain advocated the creation of a revenue reserve fund. The departments of Agriculture and co-operative credit, he said, should be amalgamated. He emphasised the necessity of paying greater attention to rural reconstruction.

Sheik Abdullah was afraid that education was being treated worse in the Reformed regime than before.

Babu Mohanlal felt that from the point of view of the villager the Budget was not at all satisfactory. Pandit Iqbalnarin Gurtu said that a stop must be put to the policy of borrowing money for unproductive purposes except in emergencies. Instead of borrowing for revenue purchases, it would be better if the Government went to the Council and asked for extra taxation.

The Deputy President adjourned the Council for want of a quorum.

On the 12th MARCH Mr. George Lambert, as leader of the House, made touching references to the death of Sir Ludovic Porter. The Council then proceeded with the discussion of the Budget.

Thakur Hanuman Singh laid stress on the education of girls and the improvement of rural sanitation.

Nawabzada Liaquat Ali Khan demanded more money for the Transferred Departments. The Police alone consumed more money than Agriculture, Industries, Medical and Public Health. Agriculture, which was of vital importance, received less than 2 annas per acre.

Mr. C. Y. Chintamani said that it was not Mr. Lambert's fault if the financial prospect was more gloomy than bright. He had come to the present office only recently, therefore the responsibility for anything unsatisfactory in the financial situation could not be laid at his door. Mr. Lambert had, on the contrary, given evidence in his statement of qualities which bade fair to make him a success. The Budget statement did not suffer from lack of ability or lack of candour.

The speaker regretted that the Finance Member had used somewhat incautious and indiscreet language in his statement when he spoke of yielding to Ministerial pressure. He had thereby drawn upon himself strong criticism—in the speaker's opinion most unfair and undeserved criticism—from a well known quarter.

Rai Rajeswar Bali, Education Minister, said that the Transferred side of the Government had received a fair share in the matter of expenditure, but he and his colleagues had not obtained from the Finance Member all they wanted.



Even if he had not received all he wanted, he must acknowledge the sympathetic attitude of the Finance Member and the courtesy of the Finance Secretary in making serious efforts to meet the Ministers' wishes.

Nawab Mahomed Yusuf, Minister of Public Works and Local Self-Government, expressed gratitude to the members for their acknowledgment that the road building scheme had proved successful.

The Nawab of Chattari, Home Member, referred to the criticism against the expenditure of borrowed money on police buildings. Most of the thanas were located in dilapidated buildings of the old Moghul or Mahratta days. Some of them were too risky to live in. As a matter of fact 18 such buildings were condemned by the P. W. D.

Mr. E. A. H. Blunt, Finance Secretary, referred to the old provincial loan. He pointed out that two-thirds of it had already been paid, and the balance would vanish within the next five years. In regard to borrowing money for the repair of irrigation works damaged by the floods of September 1924, the reason was that the damage had to be repaired before next June, otherwise there would have been a heavy loss in irrigation revenue. He did not fall in with the view that the Council had no control over debt head disbursements. As a matter of fact any member could propose a "cut" in respect of a particular item of debt charges.

Mr. George Lambert, in winding up the debate, agreed with Mr. Chintamani that his remark regarding severe Ministerial pressure was perhaps unhappy. It had given rise to all sorts of misunderstandings and conjectures. Wild talks of differences within the Government and interference by the head of the Province all owed their origin to an innocent pleasantry. The Government had a firm hope that the contribution would be totally remitted by Sir Basil Blackett and the entire Budget, including the addendum, had been prepared on that assumption.

He was in agreement with his critics that borrowings should be limited only to productive or emergent expenditure. Borrowings for police buildings and roads were only in continuation of the policy agreed upon by the Council two years ago. The only new debt was Rs. 33 lakhs for two hydro-electric schemes, which would certainly pay.

#### VOTING ON BUDGET GRANTS

On the 13th MARCH voting on Budget grants commenced. Kunwar Rajendra Singh, Minister, moved a grant of R. 33,07,205 under the head "Agriculture."

The Minister gave details of the activities of the Agricultural Department and said that different agricultural tracts had been formed into agricultural circles under Deputy Directors. The Government had recently appointed three Deputy Directors, who were residents of the United Provinces. They had received a post-graduate training overseas. There had been a considerable increase in the number of aided private farms run on modern lines. In 1927 there were 725 such modern farms against 405 in 1924. Some of those farms were utilised by the Department for the production of improved seeds.

During the last three years grants-in-aid aggregating to about Rs. 1 and one-fourth lakhs had been given to private farms in return for their undertaking to supply about 50,000 maunds of improved seeds for distribution among the tenants. During the current year nine central seed stores were opened.

In 1927, 225,000 mannds of seeds were distributed from 148 stores in 46 districts against barely 50,000 maunds in 1924. There had been a similar improvement in the number of the implements distributed.

The cattle heads maintained in the two cattle-breeding farms increased considerably. The number of bull studs was 597 against 374 in the preceding year. Arrangements were nearly complete for the establishment of a third cattle-breeding centre. The Bulandshahr Agricultural School was now an established success with a roll of 100 students. A new school at Gorakhpore would shortly come into existence.

Several reduction motions were discussed and all with the exception of two were withdrawn. One motion regarding a reduction in the provision for poultry shows was rejected, while the other for a reduction of nearly Rs. 6,000 in respect of the provision for two new Assistant Registrars of Co-operative Societies was carried.

## THE MEDICAL DEMAND.

On the 15th MARCH the Council discussed a demand for Rs. 31,41,201 under the head "Medical."

Presenting the demand, Rai Rajeswar Bali, Minister, stated that there was no denying the urgency of providing more medical relief in towns and villages alike. Every District headquarters had a Sadar dispensary, but in villages dispensaries were few and far between.

The Minister regretted the deterioration of some Sadar hospitals owing to trouble between District Boards and Municipal Boards regarding the relative share of the cost of upkeep of those hospitals. A solution was reached in many cases, the Government proposing to give larger grants-in-aid for their upkeep.

Mr. S. M. Habibullah moved several reductions with a view to omitting the provision for the development of indigenous systems of medicine. The mover characterised the Minister's anxiety in promoting the growth of antediluvian systems as mere sentiment, and helping them would be a retrograde step.

Several members, including the Minister, opposed Mr. Habibullah's motion, pointing out that the Unani and Ayurvedi systems had a scientific basis and were cheaper, more popular and sometimes more efficacious than Allopathy.

The reduction motions were rejected.

Pandit Iqbal Narayan Gurtu moved a token "cut" protesting against the reservation of 13 posts of Civil Surgeons for I. M. S. officers. All those 13 districts had cantonments with military doctors. The mover understood that the Local Government's hands were tied by the orders of the Secretary of State and protested against interference by the Secretary of State.

Mr. Govindballabh Pant, Swarajist leader, supporting the "cut" said that recruitment to posts in the Transferred Departments by the Secretary of State was a direct encroachment on the legitimate authority of the Ministers. Such reservation was made at the cost of qualified Indian graduates.

The token "cut" was adopted without a division, the Minister agreeing to forward the report of the debate to the Government of India. The Council then adjourned;

## PUBLIC HEALTH &amp; POLICE DEMAND

On the 16th MARCH the Council discussed demands for grants for public health and police.

Presenting the demand for Rs. 2,365,031 for public health. Rai Rajeswar Bali, Minister, briefly narrated the activities of the department during the current year. The Minister referred to the extension of the District Health Scheme with its anti-epidemic activities, and to the improvement of general sanitary conditions in certain selected villages. Local bodies and district officers alike spoke appreciably of the work already done under the scheme. Reference was made next to the publicity work of the department. Three exhibitions were held during the year. Departmental films regarding cholera, small-pox and other epidemics were shown in the cities, villages, and fairs. Nearly 15,000 lectures were delivered during the year by the departmental officers. Several lakhs of posters and pamphlets were broad-casted. Malaria-ridden places were rendered almost free of malarial epidemic. During the last Kumbh fair at Hardwar, for the first time in the history of Kumbh fairs, no cholera epidemic was reported.

The public health demand was voted entirely. All reduction motions, except one, were withdrawn.

The motion concerning Rs. 5,500 relating to Bovine lymph depot was pressed to a division and rejected by 37 votes to 34. The supporters wanted the removal of the depot superintendent on the ground of incompetence and further urged the appointment of a committee of enquiry into the allegation against the superintendent.

The Minister refused to appoint a committee.

## DISCUSSION ON POLICE GRANT

Over 100 cuts had been tabled in the Police demand but only two were discussed and both were rejected. The entire demand was voted.

The Home Member moving the grant referred to the slight increase in Police expenditure. The increase was due to circumstances over which the local Government had no control. The Police department budget figure was 5 lakhs above the

actuals in 1924-25 but over 10 lakhs less than the figure for 1921-22. The present increase was the result of over-economy during the last four years. Half of the increased expenditure was met by economy. Increased provision also resulted in improvement of police work. The figures for 1927 compared with the figures for, 1924 showed a remarkable decrease in number of serious crimes such as dacoity, robbery, and theft. The efficiency and morale of the police had considerably improved. The Government were taking serious steps to prevent corruption. Several prosecutions were launched recently in addition to dismissals. The Budget figures compared favourably with figures for the provinces of Bengal and Madras, whose population was nearly equal to that of U. P.

Thakur Humuk Singh moved for the total rejection of the demand on the ground that there was harassing of innocent people by the police. The custodians of law and order inspired dread in the hearts of the masses.

Mr. C. Y. Chintamani moved a reduction of 3 lakhs pointing out that the United Provinces Police accounted for 13 1-3 per cent of the total provincial expenditure. In the Central Provinces it was only 0 per cent, and only 10 and three fourth in the Punjab, and 11 and half per cent in Madras. Regarding efficiency, Mr. Chintamani quoted the figures of 1925-26 giving the percentage of property recovered. The U. P. figure was almost the lowest in India. The department, if so inclined, could economise to the extent of 3 lakhs, and release that amount for beneficial purposes.

Khan Bahadur Masadul Hasan opposed both the reduction motions. He said that the best remedy against corruption and misuse of power was bringing more educated men into the force, which would mean a larger budget provision.

Mr. S. M. Habibullah also opposed Mr. Chintamani's motion. All the reduction motions were rejected, and the entire demand was voted by 58 votes to 35. The Council then adjourned.

#### THE EDUCATION DEMAND.

On the 17th MARCH the Education demand was discussed. The agenda contained over 200 reduction motions, 32 of which were disposed of on this day. The total Education expenditure amounted to Rs. 1,97,12,594.

Rai Rajeswar Bali, Education Minister, in presenting the demand detailed some of the developments in the Department during the current year. The Agra University was established in July 1927. Stress was laid on the expansion of primary education in both rural and urban areas, and the promotion of physical training in schools.

Mr. Dharamsir Singh (Swarajist) moved a reduction of Rs. 2 lakhs in respect of university education. The mover thought that the Government were spending over much on university education which, in a way, was a luxury. More money should be spent on technical and primary education.

The reduction motion was rejected without a division.

Mr. Bhagwat Narain Bhargava moved a reduction of Rs. 10,000 in the item concerning grants to European schools. The mover's grievance was that the provision for grants to European schools was about Rs. half lakh above the current year's revised figure. For less than 60 schools, maintained only for a handful of Anglo-Indian boys, the Government spent nearly Rs. 10 lakhs more. He quoted figures to compare the expenditure on European education in the United Provinces with that of some of the other provinces. Those schools would have nothing to do with Indian boys, although they were run at the cost of the Indian tax payer.

Mr. A. H. Mackenzie pointed out that the Department spent less than 5 per cent. of the total education expenditure on European schools. The percentage in 1926-27 was just over 5 and in the Budget it was a little above 4 and half. That showed conclusively that the Government were not spending more and more, but on the contrary less.

The motion after Mr. Mackenzie's reply was withdrawn.

Pandit Iqbal Narayan Gurtu moved a token reduction urging the Government to make provision for grants to the Benares and Aligarh Universities.

Mr. George Lambert winding up the debate made it clear that he would not take shelter behind the beaten argument that Benares and Aligarh, being central subjects the Local Government had no responsibility for their welfare. He would admit that both universities deserved the Local Government's support. The difficulty was where to find the money.

He would make no promise, but if towards the end of the calendar year it was found that there was no heavy loss to irrigation revenue, or if the receipts showed improvements, he would consider the question sympathetically.

Mr. Lambert was complimented by Mr. Govindballabh Pant, the Swarajist Leader, for his reasonable attitude, and the reduction motion was withdrawn. The Council then adjourned.

On the 19th MARCH discussion on the Education demand was resumed in the Council. A token cut was carried on the motion of Professor Habib, who emphasised the necessity for securing adequate Muslim representation on Universities' bodies.

The mover made it clear that the motion was not to be understood as one of lack of confidence in the Education Minister.

The motion was supported by Mr. C. Y. Chintamani, leader of the Nationalists, Mr. G. B. Pant Swarajist leader, and several others, and was carried. The Education demand less one rupee, was then voted.

### THE FOREST DEMAND

On the 21st MARCH discussion of the Forest Budget was resumed in the Council. Mr. Mukandilal moved a token reduction motion under General Direction. Criticising the Government's forest policy, he said that Kumaon members wanted all the civil forests taken over by the Government since 1911 to be given back to the people of Kumaon. They would never agree to fresh taxation.

Mr. H. A. Lane, Secretary, replying, said that there appeared to be misunderstanding about the action the Government proposed to take in regard to the forests in Kumaon. The report of the special officer deputed to study the Madras conditions was not yet before the Government. Previous to taking any action on the report the Government would certainly ascertain whether it would be possible to recover from the Kumaon people the cost of the special staff required to work the communal system of forest management.

The Nawab of Chattari, Home Member, winding up the debate, made it clear that the Government were as yet committed to no particular scheme.

The motion was then withdrawn.

Mr. G. B. Pant, moving a token reduction, pointed out that the Government made a net profit of about Rs. 50,000 by the sale of fire wood for charcoal.

The motion was withdrawn.

The Finance Member next moved a demand of Rs. 29,40,394 under the head Irrigation Works charged to Revenue. The demand was voted entirely. The Council then adjourned till March 27.

### LOANS AND ADVANCES.

On the 27th MARCH Mr. G. B. Lambert, Finance Member, moved a grant of Rs. 15,49,000 under the head "Loans and Advances" by the Local Government.

Thakur Hanuman Singh moved a reduction of Rs. 1 lakh in respect of the item concerning a loan to Lucknow for road construction. He said that the Lucknow Board was taking large loans year in and year out. He doubted if the Lucknow Municipality was in a position to pay off accumulated debts which, in the aggregate, was a huge amount. Further, the Board was systematically giving contracts to non-Indian firms for its road reconstruction. The Board must be asked to give its contract works to Indian firms, in preference to non-Indian agencies.

Moulvi Fasih-ud-Din, opposing the motion, said that some of Lucknow's roads were simply abominable. If anything, the Government should give larger loans to Lucknow to keep her roads respectable.

Nawab Yusuf, Minister for Local Self-Government, assured the mover that the Government never advanced money to any Board, unless they were fully satisfied with the scheme submitted by the Board, and unless the finances of the Board permitted such an advance. In regard to contracts, the Boards had the privilege of selecting their own contractors. The roads in Lucknow needed to be improved because of growing trade and increased tariff.

Pandit Rashbehari Tewary, member for Lucknow City, admitted the necessity of improving the city's roads, but was of opinion that preference should be shown to Indian firms by the Board.

Sir Ivo Elliot, Secretary in charge, said that the debt charges of the Lucknow Board were Rs. 335,000 and the proposed loan would add to it another Rs. 21,000. The Government were satisfied that the present loan would not embarrass the Lucknow Board. The motion was withdrawn.

Mr. C. Y. Chintamani moved a token cut in protest to the Government's ungenerous attitude towards the Allahabad Municipality in the matter of loans and grants for its water works reorganisation. The Government's attitude was all the more uncharitable when it was taken into consideration that the Minister of Local Self-Government, Nawab Yusuf, was himself a citizen of Allahabad.

The speaker had ascertained that the Allahabad Board had originally drawn up a comprehensive scheme with a view to re-organising its waterworks, but the Government had indirectly curtailed the scheme by reducing the loans proposed to be given to the Allahabad Board.

Sir Ivo Elliot, Secretary, replying to Mr. Chintamani, said that the present scheme of reorganisation was determined by the Allahabad Municipal Board over three years ago and the Government decided that it would not be possible for the Board to spend Rs. 30 lakhs on it.

The scheme was modified and the estimate of expenditure was later reduced to Rs. 18 lakhs. The Government had contributed Rs. 3 half lakhs as a grant, and the balance was being given by way of loans. The Government had to wait and see how the present reorganisation worked before they could embark on a larger project.

Mr. C. Y. Chintamani was not satisfied at Sir Ivo Elliot's reply. He said that the Government had year after year condemned the Allahabad Municipal Board for its defects in connection with its waterworks, and when it asked for financial assistance the Government adopted a niggardly attitude.

Nawab Yusuf, Minister, replying, said that the reconstruction scheme was restricted to Rs. 18 lakhs purely on financial grounds, bearing in mind that the municipality had to repay the loan.

Mr. Chintamani pressed his motion, which was rejected by 48 votes to 28.

Mr. Chintamani next moved a token reduction in respect of the provision for Lucknow road construction and pressed for fair and equal treatment to all major municipalities in the Province in the matter of road reconstruction. Lucknow seemed to be the pet of the Government.

Raja Jagannath Baksh Singh wanted to know how the Government ascertained the capacity of the different Boards to repay the loans taken by them.

Sir Ivo Elliot explained the principle on which the financial stability of a board was judged before loans were given.

The reduction motion was lost without a division.

Nawabzada Liaqat Ali Khan moved a token "cut" in order to "impress the necessity of giving a loan to the Muzaffarnagar Board to execute certain drainage schemes."

Mr. G. B. Pant supporting the motion wished to know why no provision was made to finance the Almora waterworks scheme.

Nawab Yusuf said that the Muzaffarnagar Board's application for a loan for its drainage scheme came too late this year. The motion was withdrawn and the House adjourned.

#### DEMAND UNDER ADMINISTRATION, JUSTICE

On the 30th MARCH the Council discussed the demand for Rs. 62,03,755 under "Administration, Justice". A Swarajist motion urged total omission. Mr. Dharamvir Singh, the mover said that the present system of justice encouraged corruption. He favoured the abolition of the system of lawyers arguing cases for litigants who, in his opinion, should present their own cases.

The host of lawyers promoted and encouraged litigation, he said and "we don't fear the British Army so much as we fear the British courts. These courts demoralize us". The motion was rejected.

Two token cuts were adopted. One urged that the office of the Registrar of the Allahabad High Court should be thrown open to members of the Provincial Judicial Service, and another urged better pay and prospects in the establishment of the Allahabad High Court.

In addition to voting demands the Council elected four non-official members to the Committee on Public Accounts and eight members to the Finance Committee for 1928-29.

The 31st MARCH. Discussion on the demand was continued on this day, when K. B. Hafiz Hidayat Hussain pointed out that the demand included an item concerning the Simon Commission. He wanted the President to put that issue and then divide the House, but the President pointed out that under the rules no issue could be put after five, but the House had the option either to reject the grant or the particular demand in entirety. The demand was put, the Swarajists shouting "No." but it was voted without a division.

Mr. Mukandi Lal next moved a token reduction urging establishment of Civil Courts in Kumaon, where the Magistrate and Collectors decide, not only criminal cases but civil and revenue cases.

Mr. Lambert, replying, said the question was under the consideration of the Allahabad High Court. Kumaon had come under the jurisdiction of the Allahabad High Court only since April 1, 1926, and the High Court should be given some time to enquire into the matter before making any recommendation to the Government.

Thakur Sadho Singh, moving a token reduction, recommended that the Government should hold another Mukhtarship examination to enable plucked candidates to try a second time. Mr. Lambert opposed the motion, and it was rejected.

K. B. Hafiz Hidayet Hussain in another token motion urged that Mofussil lawyers should be given a chance to become High Court Judges.

Mr. Lambert, replying, said that the claims of Mofussil lawyers were always considered previous to making the appointment of High Court Judges. The motion was withdrawn.

Mr. Mukandi Lal expressed the opinion that there were too many Judges in the Oudh Chief Court, where there was not enough work for them.

Mr. Lambert assured the mover that the Chief Court Judges had anything but an easy time. The motion was withdrawn.

K. B. Hafiz Hidayet Hussain proposed a token reduction, and suggested that practising lawyers should occasionally be appointed deputy Legal Remembrancers.

Mr. Lambert pointed out that that post was hitherto always filled by members of the provincial Judicial Service, and it would be unjust to take it away from them. The motion was withdrawn.

Moulvi Fasih-ud-Din proposed another token reduction urging that some practising lawyers should be appointed sessions Judges. Mr. Lambert pointed out that eight posts of sessions Judges had been, since 1921, open to other than members of the Indian Civil Service. Of those eight posts one was given to direct recruitment of a practising lawyer and the remaining seven posts were reserved for members of the Provincial Service.

After minor discussions the demand was voted and the 26 guillotined demands were put and carried, the Swarajists persistently crying "No." The House then adjourned *sine die*.

## THE MINISTERS' RESIGNATION

THE following correspondence that passed between Sir Alexander Muddiman, the Governor of the U. P. and the two Hindu Ministers, viz, Rai Rajeswar Bali and Thakur Rajendra Singh clearly shows how the Ministers were forced to resign as they declined to co-operate with the Simon Commission.

The Governor in course of a letter to the Ministers pointed out that in accordance with the instructions of the Government of India the Local Government should submit their memoranda to the Simon Commission. In the preparation and submission of this memoranda Sir Alexander held, the Ministers should either co-operate or resign as he could not think the Local Government could disobey the orders of the Government.

The Ministers in course of a joint reply pointed out that under the present form of Government the Ministers were responsible to the Legislature. As the U. P. Legislative Council, by a substantial majority, had decided that the Government had nothing to do with the Simon Commission, the Ministers did not think they could go against that

decision. Further they were of opinion that there was no provision in the Government of India Act by which the India Government could force them to carry out their order. The instructions by the Government of India were for the Governor-in-Council and not, as Sir Alexander held, for the Governor acting with his Ministers.

As the Governor could not share the views of the Ministers they resigned. In this connection it would be relevant to give a short history of the U. P. Ministries here. During the Non-co-operation days, after the first elections under the 'Reformed' constitution, when Congressmen did not stand, the then Governor Sir Harcourt Butler appointed Messrs. Chintamani (Editor of the "Leader"), and Jagat Narain (a well-known Lucknow lawyer) as his Ministers. They pulled on very well with the Governor, who had plenty of tact and knew the art of managing affairs. He kept his Ministers in good humour, and realised that they were working in the teeth of the opposition of their own people with non-co-operation rampant all round. Then came Sir William Marris as the Governor and troubles soon began. The weakening of Non-co-operation outside, weakened the Ministers' position inside as well. The Ministers resigned, the immediate cause being that Sir Claude de la Fosse of the Department of Education, filed a defamation suit against Pandit Jhal Narain Sastri, a noted liberal politician, without taking the sanction of Mr. Chintamani, his official superior as the Minister for Education. The Chief Secretary and the Governor upheld Sir Claude and Mr. Chintamani resigned. Mr. Jagat Narain, acting on the principle of joint ministerial responsibility, also resigned. Non-co-operation being on a low ebb and no necessity being felt for hooking politicians the offices started going to vested interest. The Nawab of Chhattari and Raja Parmanand became the next Ministers. Raja Parmanand dying while in office, Rai Rajeshwar Bali succeeded him. The Nawab of Chhattari later became Home Member—being a convenient tool in the hands of permanent officials—and a curious Ministerial crisis became apparent. While no trouble arose when a Muslim succeeded a Hindu Minister in the first instance now there was insistence that a Muslim alone must succeed a Muslim. The Governor not knowing what to do, appointed two Ministers to succeed one, though there was not enough work even for one. And a Muslim Nawab (Muhammad Yusuf) and a Hindu Kumar (Rajendra Singh) along with the already existing Rai Rajeshwar Bali became Ministers. All were of a colourless variety, and created no scenes and no situations as the first Minister Mr. Chintamani used to do.

They did not worry over any principles of Joint Ministerial responsibility and such unimportant things. They troubled themselves now and then over their own communities, and for the rest they were pleased with themselves and the world around them. The small number of Swarajists and the large number of factions and parties in the Council kept them safe from all harm. Then came the Simon tangle and the Hindu Ministers helped directly and indirectly the Council to vote against the Commission by the majority of one. There was much jubilation, and the Ministers were much praised and applauded, and there were dinners and mutual congratulations in galore. But they evidently counted without their host. The Governor Sir Alexander Muddiman was not likely to take things lying down. What did he care for the Council and its members and their votes? Though Nawab Muhammad Yusuf, as the Minister netting against the wishes of the Council, ought to have gone, he made up his mind that the other two, who were with the Council ought instead to go". (*From Forward*)

#### THE TEXT OF THE CORRESPONDENCE

On the 30th May, Rai Rajeshwar Bali and Kumar Rajendra Singh in a joint letter to the Governor among other things wrote that, at a meeting of the whole Government on the 26th May, His Excellency observed that as their attitude towards the Simon Commission had remained unaltered, there would be no option for him but to ask them (Ministers) to resign. Since then they had no communication from the Governor on the subject. They were waiting for it.

#### THE GOVERNOR'S REPLY

In reply to this joint letter the Governor wrote that from the commencement of his term of office the two Ministers' attitude towards the Commission has caused him much anxiety and embarrassment. The announcement made by Rai Rajeshwar Bali on his own behalf and that of Kumar Rajendra Singh to the Council on the

31st March clearly indicated a wide difference of opinion between the Ministers and the rest of the Government on the vital question concerning the Government as a whole. That the public announcement of the two Ministers' attitude to the Commission made the position more difficult and he (Governor) expected that the two Ministers would resign immediately thereafter. The reply in the Council and the subsequent conversations seemed to show that the Ministers were able to draw a subtle distinction between the preparation and submission of memoranda to the India Government and their preparation and submission to the Simon Commission direct. He (Governor) did not press the matter then as he still hoped that the Ministers were considering whether the various announcement by Sir John Simon would enable them to reconsider their attitude. This, however, was not the case. The India Government recently ordered this Government to send its memoranda to the Simon Commission direct and on this they (Ministers) noted that they were unable to furnish memoranda to the Simon Commission. The Commission had now announced that they did not propose to make any further change in their procedure. He (Governor) had therefore lost all hope that a way could be found out of the difficulty without a change in the Ministry. It was impossible for the Governor acting with his Ministers to disobey orders of the India Government on a matter clearly within their powers. It was impossible for him to prepare a proper memoranda for the Commission without the active support and assistance of the whole Government. "In fairness to the province, to the rest of the Government and to myself I feel bound to endeavour to obtain active co-operation in that task by all such means as are open and since you and your colleague adhere to the position which unfortunately debars me from your advice and assistance in this arduous task, I have no option but to intimate that I shall feel bound to accept your resignations when tendered."

#### THE MINISTERS' REPLY

Replying to this letter of the Governor, the Ministers wrote as follows :—  
 "Partition of the domain of the Provincial Government into two fields has been devised to make a beginning towards responsible Government and while the Governor-in-Council is still primarily responsible to Parliament for the discharge of his duties and responsibilities, Ministers are responsible to the Council except for carrying out the duties that have been specifically assigned to them by the constitution. In other words, except in matters in which their discretion has been specifically restricted by the Act or Rules and such restriction has been purposely confined to specific matters without any general saving clause to cover matters not so specified, their relations with an responsibility to Council are precisely on the same footing as they would be in case of a Minister *vis a vis* his legislature in any self-governing constitution. We regard this as the most essential and valuable part of even the present half-hearted constitution, for, we feel that after all a Minister would not be in the Government but is as responsible to the legislature for carrying out the wishes of the people as expressed by their representative therein and we do not think that except in specified cases he can divest himself in the performance of any public act of his responsibility to that body. Now in the present case the Council of our provinces decided by a majority to have nothing to do with the Commission so long as its present scheme of procedure remained unaltered. Not only was the majority absolute, but if the official bloc is excluded very substantially, fifty six elected members were for and 32 against the resolution, and even if the nominated non-officials are included the resolution was carried by a majority of 20 votes. The result of voting was not due to any spasmodic outburst of emotion or ill-conceived and hasty judgment but was the reflection of the public mind which has been deeply agitating over this question for several months.

Under such circumstances, it is the duty of a Minister in our judgment to obey the considered mandate of the legislature or if he disagrees, to resign. As we agreed, we undertook to carry out their wishes. In our view if those who are returned to the Council cannot perceive the effects of their votes given over in the conduct of Ministers it is difficult to see the differences between them and the Executive Councillors or between the legislature of pre-reformed type and the present one. But in a letter which the Education Minister wrote to your Excellency early in March and in a statement which he read to the Council on our behalf in reply to questions asked, it was made clear that while we proposed to carry the



wishes of the Council, we were ready to supply all information to the India Government which they required.

Your Excellency referred to in your letter to subtle distinction which we are thus drawing but as we have said above our responsibility to the Council is subject to definite statutory obligations which we accepted when we agreed to work this imperfect constitution. It was only lately that the India Government changed their mind and now they want the Local Government to send the material direct to the Commission. What is at best a matter of minor convenience to the commission involves for the Ministers, circumstanced as we are, a principle of great constitutional importance.

Your Excellency has been pleased to observe that it is impossible for a Governor acting with his Ministers to disobey the orders of the Government of India on a matter clearly within their powers (namely, that the memoranda should be submitted direct to the Simon Commission). We do not feel quite sure whether the matter is within their powers so far as the Ministers are concerned. If Your Excellency be pleased to tell us any provision to that effect we shall be quite prepared to give the matter a fresh consideration. We have no intention to disobey the India Govt. in their exercise of the powers entrusted to them by the Act or Rules. It was due to this consideration that we agreed to supply them the required information and have approved the number of the memoranda for submission to them, but we have not been able to find any provision by which the Govt. of India have powers to give to the Ministers direction of this kind. We, therefore, think that their recent orders to the Local Govt. cannot be interpreted to refer to the Governor acting with his Ministers. They can only be intended for the Governor in Council. In fact the subject of inquiry into the working of the Reforms has all along been treated as a reserved one in these provinces.

Your Excellency has referred to the wide difference of opinion between ourselves and the rest of the Govt. on the vital question concerning the Govt. as a whole and to the fact that you should not have been surprised if we tendered our resignations immediately after the public announcement of our attitude towards the Simon Commission. We may be permitted to discuss the point at length in order to vindicate the line of our conduct which may otherwise be said to involve a serious breach of constitutional propriety. In the first place our attitude towards the Commission was and is conditional and the same as the position of the Council. It is true that so far the Commission has not announced any substantial changes and that Sir John Simon has been reported to have stated that there will be no change in the procedure. But on our part we have not yet lost all hopes. We have yet faith in British statesmanship asserting itself which on numerous occasions unsettled many settled facts. We are not so pessimistic as to believe that no way will be found out of the present impasse and that the task of constitution-making for this country will be done without the co-operation of, to say the least, a very large majority of thinking Indians. But graver issues of far-reaching consequences and affecting seriously the position of the Ministers are involved in the question.

We are aware of the established practice that when a Minister differs from the majority of his colleagues in the Cabinet on any important question he resigns. If we had a constitution here which gave us a unitary form of Government we would have resigned immediately on such difference arising and not waited till the matter came up for discussion in the legislature. But in a dyarchical constitution, with its clear division of responsibility between the different founts of power, it is inevitable for the view points of the two sides of the Govt. to differ on important issues and to differ at times fundamentally. Perhaps it is no exaggeration to say that the graver the issue the greater the divergence is likely to be. With the best will on both sides to avoid them such differences have been and must continue to be a normal feature of the dyarchy which is expedient for carrying through anxious and confused period of conflict between divergent principles and aim. That this has happened frequently in every province and in relation to many public questions of first rate importance hardly needs elaboration. It may be said that this particular issue concerns the local Government as a whole during our tenure of office and in the case of one of us it extends over nearly 4 half years and in the other over 2 half years. We have had occasions to discuss the questions which substantially affected both sides of the Government, but it has never happened

that in the case of a difference of opinion the will of one side of the Government has been imposed on the other or the responsibility for the decision shared jointly by both.

In a durbar speech at Allahabad the late Governor said, "While preserving the practice of consultation and discussion between both sides of the Government, I stood for a clear cut and not a blurred division of responsibilities and powers. It was always held that this practice was in accordance with the view of the Joint Parliamentary Committee which thought that it could not allow to confuse duties or obscure the separate responsibility which will rest on the two sides of the Government."

The existence of this essential feature of dyarchical system, as it has been worked, was recognised by the Reforms Committee over which His Excellency presided. We may also refer to the fact that in the matter of submitting U. P. reports on the working of the Reforms to your Committee in 1924 and to the Government of India in 1927 (and the matter concerned the Government as a whole as much then as it does now) the responsibility was solely exercised by the Governor in Council. Therefore, the constitution having been worked in the manner we have described, we feel that the salutary convention by which the members of the Government resign on their disagreeing with the majority of their colleagues has no place here, more so on an occasion when the dissenting colleagues happen to be Ministers ready to respect the views of the legislature; nor has it ever been expected under the present constitution of the members on the reserved side to resign when they happen to differ with the majority of the whole Government (including the Ministers). At least there have been no instances of either the Ministers or of the Executive Councillors doing so.

These are the reasons which have kept us back so far from tendering our resignations in so far as the administration of the departments is concerned. We feel we are still enjoying the full confidence of the Council and we believe we shall not be wrong in presuming that we enjoy your Excellency's confidence also. In the matter of the Simon Commission we are carrying on the wishes of the legislature while complying with all that the Act and Rules demand of us. But if, after giving consideration to the points mentioned above, your Excellency wishes that we should tender our resignations we shall readily do so."

#### THE GOVERNOR'S REPLY

The letter of the Ministers was followed by the following letter dated the 7th June from His Excellency to Rai Rajeshwar Bali :—

"I have given the joint letter or yourself and your colleague the careful consideration that any communication from such a source is entitled to receive, but I remain of opinion that the preparation of the memoranda for the Simon Commission needs the active co-operation of all sections of the Government and that I am bound to endeavour to obtain that assistance by all means open to me.

I am convinced that your experience and knowledge would have been a valuable contribution to the solution of the different problems that must arise, but as that is denied, I must seek help elsewhere. In the circumstances, I have no option but regretfully to ask for your resignations."

*The Ministers resigned immediately after the receipt of this letter.*

# The Punjab Legislative Council

The Budget session of the Punjab Legislative Council commenced at Lahore on the 20th FEBRUARY with K. B. Sahab-ud-din in the chair, but no important business was transacted and the House adjourned till Wednesday, the 22nd instant.

After a two hours' sitting, Sir Fazl-i-Hussain, Revenue Member, introduced the Punjab Medical Registration (Amendment) Bill, which being a non-controversial measure, was taken into consideration and passed.

## PUNJAB PREEMPTION LAW AMENDING BILL

The Revenue Member next introduced the Punjab Preemption (Amendment) Bill which was referred to a Select Committee.

Mr. Gokalehand Narang strongly opposed the introduction of the bill and its reference to a select committee, saying preemption was an extraordinary law having its origin in Islam. There was no such thing in non-Mahomedan countries, and he urged for its total repeal. This law was introduced by Mahomedans, on account of the purdah system in the villages. He did not see any reason why with the breaking up of purdah in modern times, such a law should be allowed to remain on the Statute Book. The judges of High Court in his opinion were in the best position to judge regarding the defects in the law. It was not at all necessary to propose amendments to the law. As it was, the law was stringent enough. He thought the amendment would lead to mischievous results and would prolong litigation.

Sir Fazl-i-Hussain replying said that the bill did not propose any change in the law, but only wanted to remedy defects by means of which clever people brought in devices to defeat the object of the law. To defeat the object of the law of preemption, a man had only to split up his transaction into two parts, purchase one land on the first day, and the balance on the second day. If a suit for preemption was brought in respect of the second sale by the village proprietors, he could successfully defend the suit on the ground that he acquired proprietary rights in the village one day prior to the second purchase. This meant that virtually the Punjab Preemption Act stood repealed. The amending bill wanted to remedy that defect.

## PRESIDENT DISALLOWS MOTION ON REFORMS ENQUIRY

Sardar Ujjal Singh, gave notice of the following resolution for discussion in the Council, which however, was disallowed by the President.

"This Council recommends to the Governor-in-Council to convey to His Majesty's Government (a) that the Committee of the Legislature to be constituted to work with the Statutory Commission on reforms be given equal status with the Commission; (b) that the said Committee be given power to summon, to lead and to examine witnesses; (c) that the said Committee be given access to all papers to be dealt with by the Statutory Commission; (d) that the said Committee be given the right to submit a separate report from the one to be submitted by the Statutory Commission, in case of disagreement."

The reasons for disallowing the resolution were as follows, according to the President:—

"Firstly, because there is yet no official information that the Punjab Council is going to elect a Committee to work with the Statutory Commission; secondly, because the resolution is not consistent with Section 84-A of the Government of India Act, inasmuch as it is only the Commission that can submit a report, and not the Committee of the Council; and thirdly, because the resolution relates to a matter which is not primarily the concern of the Local Government".

## ENCOURAGEMENT OF INDIGENOUS MEDICINE

On the 22nd FEBRUARY, the Council devoted fully four hours to the discussion of non-official resolutions.

The unfinished debate on Lala Mohanlal's resolution urging encouragement of Unani and Ayurvedic systems of medicine was then resumed, and after a lively discussion, the resolution was carried.

Sir Abdul Qadir then moved a resolution recommending that the course of studies in the Amritsar Medical School be extended to five years from four: but finding only a feeble support from the non-officials, the mover withdrew the resolution after a short discussion.

### INCOME-TAX AND SMALL LAND-HOLDERS

Chaudhuri Chhoturam, (ex-Minister), next recommended to the Government that the policy of applying the principles governing the levy of income-tax to the assessment of land revenue should be adopted as the goal to be reached within the next 40 years. A beginning should be made as soon as possible, preferably in the present Land Revenue Bill, to afford relief to the class of small holders.

Sir Fazli Hussain said that the total amount of salaries of the highly paid officers amounted to about 20 lakhs. How would this suffice to make up the deficiency of crores? None had greater sympathy with the holder of small lands than the Revenue Member; but he failed to see how he could accept the resolution.

Sir Fazli Hussain had not concluded his speech, when the Council adjourned, till the 23rd FEBRUARY when after an animated debate in which the official members contributed some illuminating speeches, the resolution was put to the vote and declared carried.

Sir Fazli Hussain, Revenue Member, challenged the division which resulted in the rejection of the resolution, 20 voting for and 34 against it.

Sir Geoffrey de Montmorency, Finance Member, pointed out the fallacies, dangers and evil effects of the resolution and added that the mover, instead of promoting the welfare of the poor zamindars and creating a paradise for them, was leading them to Fools' Paradise and digging the grave for them.

Mr. Emerson, Chief Secretary said that if a large number of zamindars ceased to pay land revenue they would be deprived of their right to vote. The mover, by his resolution, was retarding the political progress of the country. Moreover, the adoption of the resolution would mean economic and fiscal revolution.

The Council then adjourned till the 25th when the Provincial Budget was presented.

### BUDGET PRESENTED

On the 25th FEBRUARY Sir George De Montmorency, Finance Member, presented the budget estimates of the Punjab for the year 1928-29.

The total revenue expenditure which stood at 10.69 lakhs in 1921-22, stated the Finance Member, had increased by a crore, while there had been marked decreases under direct demands, miscellaneous and contributions, resulting in the re-adjustments of expenditure, by which expenditure in the case of beneficent departments had increased by 150 lakhs.

The Finance Member then reviewed the more salient features of his proposals for new expenditure now presented to the Council, and said that there was provision for the further development of the criminal tribes department's work, and a scheme for the re-organisation of the police as a result of the recommendations of the Provincial Police Committee.

Referring to the provision for education, the Finance Member said for the first time in the budget, while liberally providing for maintenance and expansion in the backward areas, definite provision was also separately made under the head Compulsion for 450 teachers and for conversion of 400 primary into lower middle schools, and of 40 lower middle schools into upper middle schools. As a result of this financial provision, education could now not only spread, but also at the same time intensify. Under the head Medical, new expenditure was provided for the provincialisation of a number of Tahsil hospitals, and improvement in hospital buildings and equipment. A provincial school for training lady sub-assistant surgeons was to be established. Yearly 70 new rural dispensaries were to be started.

Under agriculture, provision had been made for progress with the five-year programme for research into important crops and crop diseases and for the development of seed farms. Under industries the main features were a considered

scheme for improving the equipment of industrial schools, and a project for establishing a modern efficient sugar mill factory in South-east Punjab.

Referring to the capital account, the Finance Member said that they proposed to incur expenditure to the extent of 183 lakhs or 23 lakhs less than in the revised budget of the present year. They were considering the Sutlej Valley Irrigation project, and the Uhl Hydro-Electric scheme. During the current year the head works at Ferozepore had been opened, and capital expenditure on it in the future would be small. By the end of the year, it was hoped that all the main canals, with the exception of the Panjnad canal, would be completed and many of the branches would be ready.

Regarding the Uhl Hydro-Electric project, the sanctioned estimate amounted to 420 lakhs, and the estimated expenditure upto the end of 1927-28 would be 61 lakhs. The budget estimate for 1927-29 was 46 lakhs.

### GENERAL DISCUSSION OF THE BUDGET

General discussion on the Budget commenced on the 29th FEBRUARY, Non-official members from all sides of the House, while congratulating the Finance Member on his lucid budget, said that it was disappointing from the point of view of the tax-payer, in that he had failed to give relief to poor Zamindars by remission of taxation.

Chandri Chhoturam, Ex-Minister, quoted figures to show that Government always under-estimated the revenues and over-estimated expenditure. Year after year, heavy sums placed at the disposal of Departments remained unspent. Their assets at the end of 1928-29, he said, would be 288 lakhs, and not 79 lakhs as stated in the financial statement.

In view of this miscalculation every year, was the Government justified, he asked, in saying that the remission of taxation would imperil the progress of the province? He advised the Government to be more charitable and generous and not to take advantage of the ignorance of poor people who though not organised were silently watching the activities of the Government. If these people got excited the result would be disastrous.

Members also criticised the holding of the summer session of the Council at Simla, and said that in last year Rs. 40,000 was spent for only two sessions in the hills.

Mr. Afzal Haq attacked police expenditure, and said that if the Police Department was abolished, there would be more peace in the country and less corruption. The Council then adjourned.

On the 1st MARCH, after every side of the house has criticised the Budget, members of the Government and the Ministers replied to the various criticisms.

Sir Fazli Hussain said that the Government fully respected the wishes of the Council and out of 11 resolutions passed by the Council, action had been taken on 9 resolutions and Government had incurred very great expenditure in improving the water-logged tracts to save those areas from poverty.

Malik Ferozekhan Noon, Minister, gave detailed information to the House about the improvements made in the Department of Public Health and the steps taken by the Government to eradicate malaria and to arrest the course of epidemics and the provisions made for improving rural sanitation. He said that there were no less than 891 dispensaries in the Punjab. The Local Self-Government Ministry had decided to allow town committees to have non-official presidents.

Mr. Manoharlal, Education Minister, said that the Government was in full sympathy with the appeal of the members regarding compulsory education. In 1926 compulsion was in force in 451 rural areas. In 1927 the figure stood at 1,600. He said that the rate of progress had been most gratifying, and it had been a matter of encouragement to him that the proposed experiment of intensifying compulsion had the generous approval of the members. Their rapid expansion of primary education and increased application of compulsion had been the object of envy in India. Last year, high educational officers from Bengal, Madras, and the Punjab, visited the Punjab and everyone went back greatly impressed. Punjab was doing in the domain of education. Regarding education of the depressed classes, he had personally, during the last two or three months, devoted considerable attention to the question, and the Director of Public Instruction had examined every device by means of which they could promote education among the depressed classes.

Sir Geoffrey De Montmorency, Finance Member, speaking last, expressed thanks

for the very useful suggestions made by the members. They were of enormous value to the Government and he welcomed especially the many concrete schemes put forward by the members, which would be examined and studied with the same spirit in which they were offered. The proposals would be considered sympathetically by the Government. The whole of their financial position, said the Finance Member, would be clearly explained to the Simon Commission. Another important matter which would be laid before the Commission was that while money was spent on development, nothing came back in solid cash to the Local Government, but went to the Government of India in the shape of income-tax and railway receipts.

Referring to Sir Basil Blackett's statement in the Legislative Assembly extinguishing the provincial contributions for all time, the Finance Member said that the House would like to express gratitude to Sir Basil for bringing the financial position of the Government of India from a difficult and unstable position to such a state of stability. As regards the methods in which the recurring remission of provincial contribution would be employed by them, Sir Geoffrey said the whole position would be gone into again, and no portion of that remission would be devoted to any recurring or non-recurring purpose till the Council had an opportunity of discussing the question.

Regarding the members' criticism of the Simla session, the Finance Member said that the Government did not attach special importance to holding sessions in Simla. If members did not wish to hold a session in Simla, they would consider the matter. If the session could be held in Lahore in May before the Government moved to the hills, there would be a real saving.

The Budget discussion then concluded and the House adjourned.

#### VOTING ON BUDGET DEMANDS.

Voting on Government's demands for grants commenced on the *2nd MARCH*. At the outset Sir Fazli Hussain, Revenue Member, moved for the grant of the demand under the head "Land Revenue."

Notices of nine amendments for reduction of the grant were given by a number of non-official members, but only three amendments were disposed of on this day.

The first amendment moved by Mr. Mahomed Hussain for a cut of Re. 1 from the demand for Rs. 220 being the proposed increase in the pay of Tahsildars, raised a stormy debate in which Sir Fazli Hussain, Pandit Nanakchand, Mr. Sewakram and Mr. Mahomed Sadiq took a prominent part. The President had to call several members to order, and had to ask the mover to stop.

Regarding the distribution of copies of a pamphlet alleged to have been handed over to the mover of the motion by the Secretary, Tahsildars' Association, the President said that if on enquiry he found that it has been distributed by a member of the House, he was afraid he might have to take action against him. It was not proper, he said, to distribute any papers in the Council Chamber without the permission of the Chair. He ruled that it should not be referred to at all in the speeches and that whatever had already been said on its basis should be expunged from the proceedings of the Council.

Later, during the debate, Mr. Abdul Ghani, a nominated member representing Labour, in his speech, said that he was the legal adviser to the Tahsildars' Association, and that he was authorised to inform the Government that the Tahsildars did not want the increase proposed by the Government in their pay.

On this Sir Fazli Hussain, Leader of the House, drawing the attention of the President, said that if that was the wish of the House, he was ready to accept the amendment, and thereby stop further increment in the pay of the Tahsildars. He pointed out that the non-official members had no right to put larger demands before the House for sanction than what the Government put before them. It was up to the House to reduce the demand but not to increase it.

An important administrative point was also involved in it, said Sir Fazli Hussain. If non-official members of the House in the matter of individual services were going to make recommendations to Government, it was creating a position which the administration would find hard to deal with, unless it was dealt with firmly and seriously.

To this speech of Sir Fazli Hussain, strong exception was taken by Pandit Nanakchand, Mr. Sewakram and Mr. Mahomed Sadiq, who protested against the threats of the Leader of the House.

Sir Fazli Hussain replying said that he never meant any threat to any member. The amendment was eventually withdrawn and the House adjourned.

On the 3rd MARCH five more amendments were moved urging cuts in the demand for land revenue, four of which were withdrawn after the Government members had given full information on the points raised by the debate, and one was ruled by the President as out of order.

The amendments that were withdrawn wanted to discuss the colonisation policy of the Government, the pay of Patwaris and the Government policy in connection with sales by auction of Government waste land.

#### QUESTION OF INTRODUCING PERMANENT SETTLEMENT

Chaudhuri Afzal Haq's amendment for a reduction of the total grant by Re. 1 to urge for permanent settlement in the Punjab, was ruled out of order by the President on the ground that so long as the Punjab Land Alienation Act was in force the Government had no power to introduce permanent settlement. The right course, he said, was to take steps to have the Act amended to that effect, and not to criticise the Government for what it could not possibly do under the law in force. So long as the Punjab Land Revenue Act was on the statute book, the duty of the Government was to administer the Revenue Department in accordance with that Act; and if it failed to do so its acts were open to criticism for its failure. The motion as it stood went beyond the Act and was therefore out of order. It was open to the mover to bring a Bill with the previous sanction of the Governor-General or to move a resolution asking the Government to make necessary modifications of the law.

#### THE EXCISE DEMAND.

Sardar Jogendra Singh, Minister for Agriculture, next moved demand No. 2, requesting a grant of Rs. 14,42,500 under "Excise."

Notices of three amendments had been given by Chaudhuri Afzal Haq for a reduction of the total grant by Re. 1 to urge on the Government the necessity of pursuing a policy of partial or total prohibition. Before the member could move the amendments, the President ruled that all amendments were in his opinion out of order. He said that until the present Excise Act was amended, the Council could not discuss the policy of total prohibition, as the policy could be changed only by changing the law.

The total demand under "Excise" was then opposed by Mr. Afzal Haq who criticised the excise policy of the Government, and asked the Minister to amend the present law, and bring about prohibition as quickly as possible.

A number of non-official members supported the demand, and pointed out that the prohibition would increase illicit consumption of liquor and that temperance reform should begin at home, and that the local Opium Act should be more vigorously put into operation by the Municipalities. The Council then adjourned.

#### MOTION FOR CUT IN FOREST GRANT

On the 5th MARCH, the sitting of the Council was more or less dull not only because most of the amendments were ruled out of order by the President, but also because many members who had given notice of amendments were not in their seats when the time came for moving those motions.

The demand under Stamps was carried without a discussion, and so were demands under Forest (Capital), Registration, Irrigation and Debt services.

Chaudhuri Ram Singh's amendment for a reduction of the total grant by Re. 1 in the demand under Forests raised a discussion on the general policy of the Government in regard to administration of forests.

Several non-official members, supporting the amendment, criticised the forest policy, and asked the Government to abolish the cattle tax.

The Revenue Member assured the House that the Government was administering the Forest Department in the interest of the people of the province, and that the cattle-tax was not meant to fill the coffers of the Government.

The amendment being pressed by the mover was put to the House and declared lost by the President.

A division was then challenged. The President declined to divide the House,

pointing out that the object of the motion was to discuss the general policy of the Forest Administration, and that the purpose being served there was no necessity for putting the motion to vote.

The demand was then put to vote and carried.

Chaudhuri Choturam, who moved an amendment for reduction of the total grant by Re. 1 (one) in the demand under Irrigation (Capital), drew the attention of the Government to the absence of any budget provision for undertaking the execution of the Bhakra Dam scheme and requested that the scheme be put into operation without delay.

Sir Fazli Hussain assured the mover and the House that both the Governor and himself were anxious to complete the scheme, and that they were approaching the Government of India for sanction. The mover withdrew the motion, and the demand was carried.

#### GENERAL ADMINISTRATION DEMAND.

The demand under General Administration (Reserved) was under discussion, when the Council adjourned.

The first amendment under this demand moved by Chaudhuri Choturam for Re. 1 cut to urge the abolition of Divisional Commissioners was ruled out of order by the President. The second amendment moved by Pandit Nanakehand for a cut of Rs. 100 from the item—Commissioners—to urge upon the Government the necessity of abolishing the establishment of Divisional Commissioners was allowed by the President after a lengthy debate in which Mr. Manoharlal, Education Minister, gave a lucid exposition of the rules prevailing in Parliament.

On the 7th MARCH Government sustained the first defeat of the session when Mr. Afzal Haq's motion for a token cut in the demand under General Administration (Reserved), urging separation of the Judiciary from the Executive, was carried despite strong Government opposition.

The mover made a lengthy speech, pointing out that people could not expect justice so long as the Judiciary and the Executive were not separated, and referred to several cases where the High Court had passed severe strictures on magistrates for not taking an unbiassed judicial view and consulting the Police prosecuting agency in deciding cases. Non-officials from every side of the House supported the motion.

Sir Geoffrey De Montmorency, Finance Member, explaining why no action was taken on the recommendation of the Committee appointed in 1921, said that there was financial stringency at that time. Later, there was an extraordinary wave of crime in the province. The Government did not consider it advisable to weaken the power of the Executive, though it considered the separation of functions as an obviously right principle. They had to face facts and not to take comfort with high sounding theories. The Government was primarily responsible for law and order. If crime was a negligible factor in the Punjab, they could experiment with theories, but that was not the case. The Police administration report showed no decrease in crime.

Sir Geoffrey then referred to the wave of communal disturbances in the Punjab since the Multan riots of 1922, ending with the Lahore riot last May, which was still fresh in memory. He thought that only the action of the District Magistrates and the co-operation of officials and non-officials checked outbreaks, and kept the situation under control after the riots. At present it was difficult for the Government to accept the theory of separation of functions.

A non-official member, speaking next, said that the Government should not take advantage of communal disturbances. This was the one argument Government was advancing whenever popular demands were put forward, and that was the reason why they did not want the Simon Commission. The Commission would give the same reply as the Finance Member had given to-day.

Sardar Bakhtawar Singh said that it was better if the Punjab were put under martial law than that they should have courts where people could not get justice.

The motion was put to vote and carried, the Government not challenging a division.

The next amendment moved by Mr. Afzal Haq for a token cut urging the Government to give Government advertisements to all newspapers having a circulation of one thousand or more, was lost, the majority who opposed it characterising



the Punjab Vernacular Press as most irresponsible and as fomenting communal ill-will.

Before the Council adjourned, the President referred to Lord Sinha's death, and said that the loss was a loss to the whole of India. He was sure Lord Sinha's death would be universally mourned.

On the 8th MARCH the demand under General Administration (reserved) was carried in the Council with only a cut of Re. 1. effected yesterday.

Of the two amendments moved on this day one was withdrawn after the mover protested against the meagre representation of Zamindars particularly in South East Punjab among Extra Assistant Commissioners and Tahsildars.

The other cut, which was lost, urged the Government to give more facilities for keeping arms.

Five amendments were ruled out, and the total grant though opposed by a section of the House, was carried.

The next demand under General Administration (transferred) was carried without any discussion.

### DEMAND UNDER JUSTICE

When the demand under "Justice" was moved, Mr. Mahomed Saddique urged a token cut to discuss the system of recruitment of Sub-Judges by the High Court. He asked the Government to recruit them from the members of the Bar and from different communities on the basis of population for a number of years, and to give a fair proportion in the service to all the communities. Discussion on the amendment had not concluded, when the House adjourned.

On the 9th MARCH full four hours were devoted for discussing two amendments urging token cuts in the demand "Administration of Justice" to request the Government to note that while recruiting Sub-Judges the proportion of the representation of the various communities should be fixed in order to avoid excessive representation of one particular class in the Judicial service and that Zamindar Sub-Judges be recruited 25 per cent in excess of the proportion fixed by the Punjab Government resolution of 1919.

The debate took a lively turn during the latter part of the day. Mr. Nanakeband spoke strongly against those who encouraged communalism in the services, and warned the Government of the danger of the communal poison spreading and asked for a definite declaration of policy regarding communal representation. They were, he said, on the eve of examination by the Simon Commission whether they were fit or unfit for self-government, and the House must give a clear reply.

Sir Geoffrey De Montmorency, Finance Member, observed that the communal basis once adopted could not be applied to one service alone. The question would be asked why it should not be extended to all the other services under the Local Government. In view of the importance of the subject he gave the history of the origin and growth of representation in the services since the days of the Company rule. When the East India Company came to India, said the Finance Member, they found monopoly of services. Ministerial appointments lay in the hands of a certain class and they considered it unfair. That led to the well-known statement of policy made by the Governor-General in 1833 before the assumption of the Government by the Crown that there should be no governing class whatever in British India. Other tests of qualifications should be adopted in the public services. The same thread was taken up in the Queen's declaration and later by the Public Services Commission of 1911. After a few years in the Central Legislature a private member brought a motion, which was accepted by the Government as a correct statement of the case, that one community or class should not over-weigh the scale in the matter of the services, but that as far as possible, the claims of all the communities should be considered. This question was taken up by the Punjab Government resolution of 1919, in which they found that at that time the Zamindar class was numerous in the province, paying a large part of the taxes. Later they came to certain conclusions. Efficiency was the first consideration. It was decided that recruitment to the services should be so made as not to exclude any one class. The adoption of a rigid communal proportion, opined the Finance Member, was retrograde. It tried to destroy the original declaration of 1833, because the Govern-

ment was a government for all and not for one class. The cut motion was eventually withdrawn. Another cut was negatived by a majority of one vote.

The whole demand under "Justice", when put to vote was opposed, and declared lost. On a division being challenged by the Government, the demand was carried by 36 to 27 votes. The Council then adjourned.

### PRESIDENT WITHDRAWS PREVIOUS RULING

At the commencement of the sitting, the President announced that he found on going through the debates of the Punjab Council during the past seven years, that while, discussing demands for grants, the Council had discussed matters involving legislation in a number of cases. Though his ruling, that during the budget session while demands for grants were under discussion the matters involving legislation could not be discussed, was constitutionally quite sound and in accord with Parliamentary practice, in view of the fact that a convention and practice had already been established on the point, he did not propose to follow it in future.

### TREATMENT OF POLITICAL PRISONERS

On the 12th MARCH the Government sustained a second defeat when a token cut moved by Mr. Afzal Haq, demanding better treatment of political prisoners, in the demand under "Jails and Convict Settlements" was carried, the Government not challenging a division. More than half a dozen members, who had jail experience, spoke on the motion, relating the harsh treatment meted out to political prisoners and the humiliations they had suffered for political offences not involving moral turpitude.

Other non-officials supported the motion and asked the Government not to treat them worse than European prisoners and convicts.

Sir Geoffrey De Montmorency, the Finance Member, replying on behalf of the Government, informed the House about the recent rules regarding special class prisoners, and regretted that there had been cases where these rules were not followed. Where special class prisoners did not receive the treatment they should have received under the rules, this fault, he said, could be removed by official inspection or by non-official visitors. He assured the House that if non-official visitors brought to his notice any case in which special class prisoners were not treated according to the rules, he would give that case his immediate attention. He added that he should be only too happy to see the day when there would be no so-called political prisoners. He was glad that there were in the Punjab only very few of them at the present moment. He hoped that the House would not think that the Government was unsympathetically inclined or had any bias against these prisoners. The desire of the Government was that they should be fairly treated, and he would exert all the efforts in his power to see that they received humane treatment, which the rules entitled them to receive.

Other cuts were withdrawn, and the total demand minus one rupee was put, and carried.

### THE POLICE DEMAND.

The Finance Member then moved the demand under "Police."

Mr. Ferozuddin Khan moved an amendment for the reduction of Re. 1 in respect of the item of Rs. 62,23,340, being the total pay of the establishment and to raise a discussion on the lack of efficiency in the Police. The discussion on the amendment was not concluded when the Council adjourned.

On the 13th MARCH voting on Government demands for grants concluded after the House had voted the police demand. At the end of a lengthy debate in which lack of efficiency in the police was criticised by non-officials from every side of the House and references were made to the alleged high-handedness of the police in Lahore in dispersing the crowd of demonstrators on the day of the Simon Commission's arrival in the city, guillotine was applied at 5 p.m. by the President and the remaining demands were put and carried.

During the debate on the cut proposed by Rana Ferozuddin in the demand under Police, reference was made by several non-official members to the police interference while the boycotters were demonstrating on the day of the Simon Commission's arrival in Lahore and to the excesses committed outside the Lahore

Gate the same evening, when some prominent Congress and Khilafat leaders were belaboured with lathis and one Congress worker was thrown into a dirty drain and also beaten.

Mr. Emerson, Chief Secretary, replied on behalf of the Government. For many weeks past, said the Chief Secretary, the police in Lahore were having an extremely trying and arduous time. Almost every night there was a meeting. There had been no prohibitory order whatsoever issued by the Government. Although from the reports he had seen daily there had not been a single meeting at which one or more speakers had not made speeches which rendered them liable for prosecution under the Criminal Law, the Government - deliberately refrained from prosecution, because they did not wish to prevent those who opposed the Simon Commission from giving expression to their opinions. The greatest possible latitude had been given. On Friday last a large meeting was held outside the city, and it was decided to hold another meeting inside the city the next day and take a procession largely composed of people summoned from outside Lahore. There was again no proclamation by the District Magistrate or anybody else, that such a procession would be forbidden nor was the procession actually forbidden. It was doubtful whether the procession could safely be taken through the city having regard to the feelings of all the communities. The majority of shopkeepers were against such a demonstration; and eventually it was considered safe to take the procession through the city under police protection. The police protected the boycotters from the shopkeepers who might otherwise have come into collision. (Raizada Hansraj: Thank you.) Again, in pursuance of the policy of giving those opposed to the Statutory Commission an opportunity of registering their personal protest, every facility was given to the demonstrators gathered at the Railway Station on Saturday. Under very great provocation, the police showed wonderful patience.

Referring to the allegations of the vernacular press, that the Deputy Commissioner gave an assurance to certain members of the crowd outside the railway station, that the Simon Commission would pass that way, and at the last minute by a ruse the Commission was taken another way, the Chief Secretary said the Deputy Commissioner and other police officers assured the demonstrators that if they obeyed orders and spread themselves in an orderly fashion along the Empress Road, the members of the Simon Commission would pass that way, and that they would have an opportunity of demonstrating their disapproval. But in defiance of the orders of the police a small band insisted on staying inside the station yard, and they were prevented from making a demonstration. Had they acted according to the promise of the Deputy Commissioner and other police officers, they would have been given, as the rest of the demonstrators were given, every opportunity for recording their protest. He knew the desire of most of the members of the House, that the Government should avoid repressive measures as far as possible, and thought that every reasonable member of the House would agree that the Government in following that policy carried toleration and forbearance to the utmost limit. Every credit was due to the police for loyally carrying out the policy of the Government under great provocation and in trying circumstances keeping their temper and avoiding breach of the peace.

The Finance Member replying to the debate referred to the incident on Saturday near Mr. Lachmandas's house, and said he had not yet seen the official report on the subject, and reserved judgment until he had seen that report. He assured the House that he would make enquiries regarding the incidents outside the Lohari Gate.

The cut was lost, and the total demand for police was voted.

### THE REFORMS ENQUIRY

On the 14th MARCH there was tense excitement in the Council when it reassembled to transact official business. The visitors' gallery was crowded by European ladies and attendance in the House was almost full.

The unusual interest was due to the motion on the agenda paper by a member of the Government that the Council do proceed to elect a committee of 7 representatives to take part in the joint conference with the Indian Statutory Commission. Sir John Simon and the Commissioners who were expected to be present as visitors did not come.

The President read out the notice of an adjournment motion which was

given by Mr. Mahomed Sadiq to discuss the alleged objectionable treatment meted out to an honourable member of the House by the Deputy Commissioner, Jullunder. He announced that the adjournment motion would be taken up after interpellations.

When Sir Fazli Hussain rose to move the election of a committee by the Punjab Council to take part in the Joint Conference with the Statutory Commission, Sardar Labh Singh rose to a point of order, saying that according to the Standing Orders, seven days' notice was required for a motion, whereas notice of this motion was given to the members of the House only the previous day at 4 p.m. He knew that the President had discretionary power to allow a motion even without notice or with short notice; but considering the controversial nature of the motion and its importance, he asked the President not to allow the motion.

Sir Fazli Hussain said he thought every member of the House had ample occasion to study the important question long before notice of the motion was given to the House; and he hoped the attempt to prevent discussion of this important question would not be successful.

Dr. Alam said that no time was given to the House to move amendments to the motion as according to Standing Orders two days' notice was necessary. How could they move amendments when notice of the motion was given only the previous day at 4 p. m ?

The President said that the point had been considered by him before and he had agreed to the motion being put on the agenda paper. He had instructed the Secretary of the Council to take notice of amendments to this motion from the members and if any member wanted to move an amendment he could do so till the motion was disposed of. But if the honourable members did not want to discuss the motion, he would refuse permission to the Leader of the House to move the motion. The President then took the sense of the House which was in favour of discussing the motion forthwith, and he therefore allowed the discussion.

#### SIR FAZLI HUSSAIN'S RESOLUTION

Sir Fazli Hussain then moved that the Legislative Council do proceed to elect a committee of seven representatives to take part in the joint conference with the Statutory Commission. He said he did not want to rush the motion, but was prepared to elect a committee even in the May session of the Council, according to the wishes of Raja Narendranath, Leader of the Hindu Party. His motion, if adopted, would not force the Council to elect a committee forthwith.

At this stage, Mr. Afzal Haq moved that the debate be adjourned. He made a lengthy speech in Urdu criticising the manner and haste in which the Government were trying to elect a committee.

On the conclusion of his speech, the motion was put to vote and lost by 14 voting for, and 55 against. The debate on Sir Fazli Hussain's motion was then resumed.

Mr. Mahomed Sadiq (Nationalist) said the Governor could not ignore the will of the nation outside the House, by offering a sop to the members. It was much better to die with honour than to live with dishonour. The appointment of the Commission was an insult to India. He asked the Government to withdraw the motion.

Mr. Bodhraj (Congress) said that there could be no greater insult to the manhood of India than the appointment of the all-White Commission. All the political parties in the country and the Legislative Assembly, and some local Legislatures had declared that they would have nothing to do with the Commission; and though the party to which he belonged was in a minority, they would also express their want of confidence in the Commission. There was no necessity for the Commission to take the trouble of coming to India, as the report they would submit must have already been prepared.

Sir Fazli Hussain : Have you seen a copy of the report ?

Mr. Bodhraj said his heart told him that the report must be ready, and they all knew what that report would be.

Captain Sikandar Hayat Khan (National Unionist) said that refusal to co-operate with the Commission would be wrong, as the status of the Committee of the Legislature would be the same as that of the Commission. They should do their best to put their case, and get as much out of the Commission and Parliament

as possible. If the Commission did not do justice to India, even after obtaining their co-operation, the British public would have to bear the brunt of the criticism of the civilised world.

Pandit Nanakehand (National Reform Party) supported the motion. He said that no Indian was appointed when Mr. Montagu and Lord Chelmsford made their enquiries in 1919. Every help was given to them. He did not see any reason why they should not put their case before the Simon Commission, as he was sure that due weight would be given to Indian opinion. It was ridiculous to say that the report was already prepared. From past experience, they would have found that non-co-operation was not a sound policy. Lord Reading had said that there were two ways for attaining self-government, either to take the sword or to act with the co-operation and good-will of the British Parliament. If they could not take the sword they must accept the good-will offered by the British people. The problem of self-government would be solved, he said, when the question of minority and majority rights were settled. No indication had been given by the All-Parties Conference in what way the interests of the minorities would be safe-guarded. He, as a member of the minority community of the Punjab, refused to accept the solution given by the Madras Congress and later ratified in Calcutta. How the rights of the minorities would be safe-guarded, was the most vital question. No serious attempt had been made to solve it. Without entering into the details of these difficult questions, they could not give a definite answer as to how India would be treated under the Swaraj Government. He being a Punjabee, had to live near the Frontier; and he must make adequate safeguards for the defence of minorities. Moreover, communal representation, which was the root cause of all the communal riots in India, must go. This system of representation was responsible for all the communal differences and for communal ill-will.

Dr. Alam (leader of the Nationalist Party) who spoke for one hour opposing the motion, said that the decision of his party was not to co-operate with the Simon Commission under any circumstances. It was a moral success, that in the last division 14 or 15 members, . . . . . temptations and fears and hopes of prizes and rewards, opposed th . . . . .

Their only duty was to non-co-operate with the Commission. It came to decide exparte between the British and the Indian people. Referring to Pandit Nank-chand's views. Dr. Alam contended that the personal views of members did not count and challenged a referendum to the people outside the council. He said that it was the duty of United India to defend India unitedly. He pointed out the futility of magnifying little differences. Concluding he said: "I say, it is decidedly against our honour and we cannot accept the motion. It is a gross insult to India. Whatever privileges might be granted to the Committee, it cannot have equal status with the Royal Commission. Nobody can say that the Committee will have equal status with the Commission appointed by Parliament. I submit that these committees are of no value. Under the circumstances, I appeal to the House to stand by the country and to stand by the honour of this province. Let not the people be deluded by false delusions and false hopes. Our only duty at the present moment is to oppose this resolution and reject it. Members who will vote for the Opposition side will go to add to the strength of future India. If we are not going to defeat the motion to-day, we are going to win to-morrow."

Chaudhuri Zafarullah Khan said that the matter was most important not only to India, but to the whole of the British Empire. He protested against Dr. Alam's suggestion that the members of the House supporting the motion would do so out of fear and temptation. He did not like to go into the history of British domination. They had to face facts. The British were in possession of the country, which was a solid fact. It was a grievous mistake not to have taken Indians on the Commission. No makeshift of legislative committees would take away that objection. He urged the availing of the opportunities placed before them to enable them to assert their rights.

Sardar Buta Singh exhorted the majority of the Council to join the majority of the people outside the Council and defeat the Government. Had the people acted on the advice of Gandhiji, Swaraj would have already been got. He warned the Zamindar members of the Council not to be lured by the Government. The time would come, he said, when they would require the help of the House when their rights were attacked by the Government.

## GOVERNMENT'S REPLY TO THE DEBATE.

At 5-45 closure was applied to the debate.

Sir Fazli Hussain, replying to the debate, said that the question had been discussed in the Central Legislature, and in some local legislatures and in the public press. They might all have read Sir John Simon's letter to H. E. the Viceroy. The reports of the Committees of the local legislatures would be added as appendices to the report of the Commission. He added that the Government had no desire for such a Committee. He was simply carrying out the wishes of the Chairman of the Commission that the local legislatures should elect Committees to work with the Commission. This Council was a reflex of various schools of thought; and the Council could only be truly representative, if it reflected the views of all classes of people. One aspect of the debate, he said, hurt him. It was alleged that the Government as a whole were offering temptation of all sorts to the members. He trusted, that the views of the House were not what the member who said so held. If the Opposition leader wanted to carry the House with him, he should not have dubbed the supporters of the Government as dishonest. The Opposition consisted of three distinct parties, Congress, Khilafat and Nationalist. The minority was entitled by all means to put their case to the Council with the fullest liberty possible.

## MOTION CARRIED

The motion was then put and carried the Opposition not challenging a division. The Council then adjourned.

## ALLEGED INSULT TO M. L. C.

On the 15th MARCH a motion for adjournment regarding the alleged objectionable treatment meted out by the Deputy Commissioner, Jullundur, to Chaudhuri Abdul Rahman, member of the Punjab Council, was taken up. Speeches were made demanding prompt enquiry by the Government into the allegation referred to in the motion.

Dr. Mahomed Alam remarked that it was adding insult to inquiry. The Government should issue instructions making such things impossible in future.

Sir Geoffrey De Montmorency, speaking for the Government, said that the dignity of the members of the House was as dear to the Government as to any others in the House. On that account, the Government had not taken exception to the motion. He agreed that all officers of Government should show courtesy to the members of the Council.

Mr. Emerson, Chief Secretary to the Government, speaking later, read out a letter from the Deputy Commissioner bearing on the incident of 24th January, 1928, in which the Deputy Commissioner had stated that the action of the Hon'ble Member and his colleagues was objectionable, and had stated that he had not used any objectionable word except some plain speaking as the head of the district.

Pandit Nanak Chand, having listened carefully to the debate, contended that if the allegations were true, serious notice should be taken. He agreed that the matter should not be dropped, and urged an inquiry.

Chaudhury Zafarullah Khan suggested that the matter should not be dropped. The Council had before it two statements, one against the other.

Sir Geoffrey said that he was ready at all time to receive members of the Council and others, and there should be no mis-apprehension.

The motion was put to vote, and declared carried. After this supplementary grants regarding different departments were voted.

The Punjab Adulteration of Food (Amendment) Bill was introduced, and referred to a Select Committee, consisting of eleven members. The House then adjourned till the next day, the 16th March, when after a short sitting the Council was adjourned *sine die*.

# The Assam Legislative Council

The Assam Legislative Council commenced its Budget session at Shillong on the 28th MARCH 1928. His Excellency the Governor addressing the Council said:

Mr. President, and Gentlemen,

I have come to address you to-day because the list of the agenda for the ensuing session includes several matters of primary importance to the province and about some of them I wish to state the attitude of the Assam Government so that there may be no misunderstanding.

## THE SIMON COMMITTEE

You will be asked to elect a committee consisting of seven members of your Council to assist the Statutory Commission so far as this province is concerned. His Excellency the Viceroy and Sir John Simon, Chairman of the Commission have already clearly stated why they wish such committees to be appointed and what their functions will be. You have also doubtless read in the papers the arguments for and against any such co-operation with the Commission. There is no need for me to repeat all these details now. I can only tell you that the people in England, with whom in the last resort must rest under the existing conditions India's future, regard the attempted boycott of the Commission as essentially a symptom of irresponsibility. Why I ask you to elect a committee is that I believe in the interests of the province and its future developments. It would be of real advantage not merely to the members of the Royal Commission but to you yourselves, that there should be a definitely arranged opportunity for the intimate discussion of the various problems which will come before the Commission. Some are peculiar to this province, as for example, the fact that including the State of Manipur an area of roughly two thirds of the province as at present constituted, is either held by the Native States or is a frontier tract or is populated by the hill tribes who at present are under a special form of administration.

Another special problem is the retention or transfer of Sylhet and the possible further developments that might follow the return of that district to Bengal. Should Cachar or a part thereof follow what would be the fate of Goalpara.

I saw it stated in some papers to my surprise, since I had never received a letter about it or written a word upon the subject to the Government of India, that there was a proposal to constitute a North East Frontier Province. Now though the Assam Government has never suggested or contemplated or been asked to consider any such arrangement, it is of course possible that in the evidence to be placed before the Commission this suggestion might be made. A committee of the kind proposed would certainly facilitate the discussion of any such proposal if put forward.

A third special feature of the province is that it is, as compared with the neighbouring provinces of Bengal and Bihar, undeveloped. Assam to-day and for some years to come must attract immigrants as she was in the past. It may be, therefore, that in the discussions of our future constitution some may wish to have special provisions for the future of these immigrants as for example by allowing the creation of more constituencies when waste lands come under plough and villages replace jungle. Others may be equally anxious to see that the interests of the present population of Assam are safeguarded. There is also the question of expenditure on the Frontier and the maintenance of that fine corps, the Assam Rifles.

## PROBLEMS OF ASSAM

These are all the problems special to Assam. Others we share with the other provinces such as the representation of minorities, a separate or combined electorate, financial arrangements with the Central Government, the conditions of public services and appointment of ministers or members and the like.

Surely a committee, representative as far as may be of the various places and interests in this province, can give the Royal Commission useful advice on the evidence placed before them. Surely this is an opportunity which should not be missed. Even if there is, as there well may be a difference of opinion as between the different members of the committee elected by this Council, a discussion with the Commission should clarify the issues, give them a useful means of testing the evidence offered and possibly point the way to the reconciliation of divergent interests or at least to the best compromise that the situation affords.

Sir John Simon and his assistants, be examining a system of Government introduced from the . . . . . y will wish to find out how far it has adapted itself to . . . . . what further steps can safely be taken, whether any safeguards may be necessary against racial, communal or predatory legislation, or any precautions to ensure financial stability. They will welcome a free discussion with the seven members of this Council who as local experts, can tell them how in their opinion the various proposals will work out in practice, whether and if so, why any of the evidence is in their opinion unreliable or whether any of the theories advanced are impracticable under the present conditions in Assam.

What is wanted now is a recognition and frank discussion of facts rather than the propounding of theories. It is difficult to see what practical purpose can be served now by an exhibition of discontent with the present form of Government or by voicing utterly impracticable demands such as total independence. We do not want to waste time discussing what might have been but to recognise what has been. It is very easy to create a glut of ideology but it could only serve as a smoke screen to obscure the real difficulties to be faced. I said just now that we have our own special problems. Yet, it is true, that Assam in miniature reflects very much British India as a whole.

Just over 100 years ago—and a century is not a long time in the history of a nation—much against their will the British Government in Calcutta decided to undertake the Government of this province. Let me quote you an extract from Sir Alexander Mackenzie's book "The North East Frontier of Bengal". "Nothing could have been more wretched than the state of Assam when the Valley was first occupied by our troops. Thirty thousand Assamese had been carried off as slaves by the Burmese. Many thousands had lost their lives and large tracts of country had been laid desolate by wars, famines and pestilences which for nearly half a century had afflicted the province. The remnant of the people had almost given up cultivation supporting themselves chiefly on jungle roots and plants. Nobility and priestly families had to return to Goalpara or other refuges in British territory, often after losing all their property and with them had gone crowds of dependents, glad to escape from the miseries of their native land. We found the Assam Valley surrounded north, east, and south by numerous savage and warlike tribes whom the decaying authority of the Assam dynasty had failed of late years to control and whom the disturbed condition of the province had incited to encroachment."

Such was Assam as we found it and as a result of peaceful development under British Rule in 1921, the population totalled close of eight millions. To-day I am told it may be approaching ten millions whose future happiness will depend to no small degree on the outcome of the report of the Statutory Commission. A benevolent despotism replaced the chaos and it has been replaced in turn by modified form of democracy which is now to undergo examination. It lies with you, gentlemen, to decide whether recognising the facts of the past and the actual condition of the present as they are to-day not as you would like them to be you will give such assistance as may be in your power to the Royal Commission in the hope that the next century may witness even a greater peaceful development under the form of Government which will differ almost as markedly from its predecessor of 1826 as that the Government did form various rulers, whom they replaced. Here in Assam, we know as a fact that if to-morrow the claim for National Independence was granted and the British cleared out of Assam and took no further part in her administration or in guaranteeing her security under the British flag, the province would speedily revert to conditions of a century ago and instead of our sitting here to discuss whether we should continue to charge higher fees for litigation, there would be only one form of taxation in the province and that a poll tax collected by a head-hunter. I suggest to you that concerted



endeavour to improve the existing constitution is likely to be of greater practical benefit to the province than a renunciation of the existing form of Government or the propounding of wild theories. When I last addressed you I was new to the province. Since then I have tried to see as much of it as I could and have visited all the districts except three, all subdivisions except four. Everywhere I have been received with great kindness and courtesy. Everywhere requests were made for assistance, schemes for improvement produced and discussed and the local needs ventilated. In the Budget and in the two resolutions which will be placed before you, an attempt is made to meet some of the requirements so far as the funds permit.

I do not propose to anticipate the speech of the Hon'ble Finance Member but I would like to refer to one or two matters. First then, as regards the opium revenue. I have seen it stated in fact, I have also been told that the Assam is not really in earnest in trying to discourage the consumption of opium and that we are reluctant to forego the revenue. Gentlemen, such is not the case. No one could pass through Assam without recognising the harm that opium has done and is doing. The Government are as anxious, as you are to stop it, but enquiries I made convinced me that contraband opium finds its way into Assam, that it is on the increase and that a mere restriction of issues from Government Treasuries without an increase in the preventive staff would simply result in the transfer of the Revenue from Government to the smuggler, and probably an eventual increase in the amount of opium consumed. We have therefore put before you the request for revival of the post of Excise Commissioner for increase in the staff and we propose to pay generous rewards for detection and conviction of smugglers. If these proposals are accepted, we shall at once take steps to restrict the issues of opium and do all in our power to discourage consumption. You will of course realise that the reduction in the issue of opium as demanded by this Council, will necessarily give direct impetus to the traffic in illicit opium. I, therefore, ask you to give us funds necessary for the staff to deal with smuggling.

Next as to Communications. Everywhere I went there were complaints about roads or the absence of them. I believe it is a fact that at certain seasons of the year the Deputy Commissioner of Lakhimpur would be compelled travelling by rail road and river to take as long to go to his subdivision of north Lakhimpur 60 odd miles away as he would have to go to Bombay. I have seen your roads and I have travelled over some of them. There is no doubt whatever that their state at present means that everyone who attempts to use them pays in effect a heavy transport tax, that their condition, absence of bridges, their inability to carry motor traffic is a very serious handicap to trade. Also we need more railways especially in the east and north.

You will see that the two resolutions have been tabled, one for loan to facilitate the improvement of main lines of communication and another to guarantee the E. B. Railway against the loss, if they extend their railway from Tangla to join up with the Tezpur Balipara Railway. We hope that this extension will be continued in due course up to North Lakhimpur and we believe that even if at first this extension does not pay its way the further extension would be development of an area now very badly served in the matter of communications, bring an increase of land revenue which would exceed any payment we might under our guarantee be called on to make.

Last matters to which I wish to refer are, water supply and milk supply of the province. Since you agreed to the chancement of Court Fees some ten lakhs of rupees has been spent on the improvement of water supply in rural areas, the expenditure being so restricted by the desire of the Legislative Council. Meanwhile the urban areas demand improved water supply. Somewhere water works already exist as at Gauhati, Jorhat and Sylhet. Others like Silebar, Golaghat, Dibrugarh, Sunamganj, wish to start water works. I have not had the request made which is not fully justified by needs of locality. But unhappily we have not funds to meet the recurring charges which scheme for regular improvement of urban water supplies would entail. Each municipal board wants not merely loan but also grant in aid. We also need an expert staff to prepare schemes. We are asking you, therefore, to consent to an increase in the Stamp Duties sanctioned by this Council as a temporary measure being placed permanently on the Statute Book. I can give you an assurance that the increased revenue so obtained will be placed at the disposal of two Hon'ble Ministers for expenditure on the Transferred Departments and I trust

that a fair portion thereof will be devoted to the improvement of water supply not only in rural but in urban areas.

As regards the milk supply, will you pardon my saying that the Assamese cattle in the matter of lactation are worst I have come across in India. There is in many places a dearth of milk in the districts, even where large grazing grounds exist. In some of the hospital only milk for patients comes from tins. Children rarely taste it. We hope in due course to receive the recommendations of the Royal Agricultural Commission on this matter but meanwhile we have started a small dairy farm with good breed of cattle at Khanapara and I am told that in Gauhati a Co-operative Dairy Society has been formed. I hope many others in due course will follow and I can assure you that the Government will do all they can to assist. What we chiefly need at present is expert advice as regards breeding and feeding. Given thus, we can work out schemes and come to you in the hope that you will supply the necessary funds. This leads me to mention the vexed question of grazing reserves. There are those who think that free grazing and an extension of the already large reserves would solve problem. I have in my tours visited some of those reserves and my enquiries lead me to believe that the findings of the committee over which Mr. Bentinek presided are correct. We collect fees on a scale much lighter than that prevailing elsewhere, but the absence of inspecting authority results, I fear, in some people paying who should not pay whilst others who should escape. We are again suggesting to the Legislative Council that the grazing superintendents should be appointed. If you do not agree to this I shall accept your decision and the whole question will be reconsidered. One point I would like to make quite clear. You cannot forego the revenue which can be obtained from these lands and you ask, and quite rightly, for funds for the Nation-Building Departments. But if you want them you cannot afford to starve the Revenue Producing Departments. Gentlemen, if anyone asked me what was my policy in Assam, I should say that the Provincial Governor is primarily concerned with the administration and that his policy necessarily is that of the Government of India. But given your assistance within limitations of our present constitution such policy, as I can have, may be stated in six words, viz., less opium, more milk, better communications. The extent to which these hopes can be realised must largely depend on your assistance and this I earnestly invite."

#### BUDGET STATEMENT FOR 1928-29

After the Governor's address the Hon'ble Mr. A. W. Botham introducing the Assam Budget for 1928-29, said that for the year 1927-28 he estimated the opening balance at Rs. 61,20,000, the total receipts at 288 lakhs and the total expenditure at 283 half lakhs. Subsequently the provincial contribution of 15 lakhs was remitted (about half permanently and about half temporarily), while the supplementary demands for Rs. 1,41,000 were voted by the Council. Allowing for these modifications the budget estimate of expenditure was 212 lakhs in the revised estimates. The total receipts were placed at 270 lakhs instead of 266 lakhs and the total expenditure at 265 half lakhs instead of 269 three-fourth lakhs. On the whole they were better off than was expected to be by about 24 lakhs, of which 15 lakhs represented the remission of provincial contribution, 2 half lakhs difference in opening balance, 2 lakhs due to improvement in revenue and 4 half lakhs due to savings under the expenditure.

It was expected to start 1928-29 with an opening balance of 68 lakhs. They placed the total receipts at 280 lakhs. The Budget provided for an expenditure of approximately 208 lakhs. Of this 287 half lakhs are on Revenue account and 8 half lakhs on capital account. Out of the total expenditure on Revenue Account the cost of carrying on the administration, as it stands, may be taken at 243 lakhs whilst 27 half lakhs more were required for completion or continuance of incomplete works projects in hand. Thus the obligatory expenditure amounted to 270 lakhs as against the receipts from revenue heads amounting to 278 lakhs. On the new projects they proposed to spend about 17 lakhs involving a technical deficit or an excess of expenditure charged to revenue over revenue by about 9 half lakhs, but since owing to the necessity for further liberal distribution of loans in areas affected by floods, there was also an excess of expenditure on capital account over the receipts on capital account. The provincial balance would altogether be reduced by about 16 lakhs or from 83 lakhs to about 52 lakhs. The new recurring commitments were proposed to the extent of Rs.

1,46,000 on reserved side and Rs. 2,15,000 on transferred side. The total expenditure proposed on the new projects during 1928-29 in addition to the revision of pay of Ministerial and Menial Officers came to Rs. 5,28,000 on the Reserved Side, and Rs. 9,79,000 on the Transferred side. The Finance Member concluded: "Final remission of Provincial Contribution marks an important stage in the history of our provincial finance. We have accumulated a reasonable balance of about half a crore and were relieved of the burden of contribution to the Central Government. We can reckon on small surplus being available each year for new schemes of expenditure."

### STAMP AND COURT FEES BILLS.

In sharp contrast to the dullness of yesterday when the Governor Sir Laurie Hammond opened the Council in a very thin house, the Swarajists and most of non-official Indian members having abstained, considerable liveliness marked the proceedings of the 29th MARCH when the Swarajists and Nationalists attended in a body to oppose the passage of the Stamp and Court Fees Bills.

To-day the proceedings began amidst tense excitement as the fate of the Stamp and the Court Fees Bills which had formed one of the main planks of Council politics for the last 8 years was hanging in the balance. Public opinion expressed itself unequivocally against the measures but Government tried to carry the day by a flank movement by limiting the period of extension to 3 years.

An amendment to the effect was sent by Maulvi Manowar Ali but Babu Paresch Lal Shome who had taken the lead in the matter objected to the amendment as being out of order and time barred which the President upheld. The rejection of the amendment settled the fate of the bills. The Hon'ble Mr. Botham the Finance Member moving the consideration of the Stamp Bill said that the bills did not operate as a serious hardship on the toiling millions. He was supported by Col. Smiles who opened that the rejection of the bills would only benefit the lawyers.

Congress benches.—Oh.

Babu Brajendra Narayan Choudhury opposing the bills examined the financial position of the province in detail and showed how the Government by over-budgeting and manipulation of the figures kept a large surplus in abeyance and showed a deficit which afterwards actually turned into surpluses. He hoped the Finance Member would give his figures with more accuracy and honesty.

President: The Hon'ble member should not question the honesty of the Finance Member.

Brojendra Babu: I do not question the personal honesty of the member but the financial honesty of the Finance Member.

Referring to the decrease in opium revenue he pointed out that revenue on *Ganza* and country liquor showed an increase of 2 lacs annually.

Babu Paresch Lal Shome:—Do you welcome that increase?

Brojendra Babu: It is not a question of my likes or dislikes. It is the choice of the Minister. If the Minister wipes off the entire excise revenue we are ready to provide for a taxation that is necessary.

Rai Bahadur Amar Nath Roy (nominated) said that he would support a 3 years' bill but not a permanent measure but as Mr. Manowar Ali's amendment was not before the house he would oppose.

Rai Bahadur Sadananda Dowerah (nominated) said that he would support only a three years' Bill if the proceeds were earmarked for water supply only.

Babu Hirendra Chandra Chakrabarti, S.J. Bardoloi, Leader of the Congress Party and Mr. Bishnu Borah opposed the motion. The last speaker said that though he supported the Bills in 1925, he would now oppose them in response to vehement public opposition in his constituency.

Maulvi Manowar Ali said that he would not support the bills as permanent measures.

The Hon'ble Mr. Nichols Roy, Minister, referred to the advantages derived by the country from the proceeds of the bills and said that as the fall in opium revenue would be about 3 half lakhs this amount must be found from somewhere and he appealed to the members to come to his rescue and help him in trying to get from the ordinary revenue as much as the Council would like him to have.

Babu Paresch Lal Shome:—But not to taxation.

The Hon'ble Mr. Botham in reply stated that Government was willing to agree to extend the bills for 3 years on condition that the proceeds be at the disposal of

the Transferred Department but as the amendment had been ruled out he appealed to those members who were not avowedly obstructionists like the Swarajists to support the Bill. The motion being put to vote was declared lost by 25 to 15.

The Court Fees Bill was next moved without a speech but the Finance member pleaded for the admission of Moulvi Manowar Ali's amendment for 3 years' extension, but on objection being taken by Babu Paresch Lal Some the President ruled the amendment out of order.

The Hon'ble Mr Botham then wanted to withdraw the bill which was objected to by Babu Paresch Lal Some and Gopendra Lal Dhar Choudhury. The motion was then put to vote and declared lost, the Government not claiming any division. The House then adjourned.

On the 30th MARCH the Council took up general discussion of Budget and continued it on the next day. Maulavi Munawar Ali who commenced the discussion regretted the absence of the Swarajist members from the House on the occasion. Commenting on the budget proper he characterised it as a prosperity budget but criticised lack of adequate provision for the Transferred Departments.

Lt. Col. Smiles who followed also regretted the absence of the Swarajist Members from the Council and said that such action, especially when their proceedings were going to be examined by the Statutory Commission, was not in the true interest of the country. He also emphasised the need for improving communications in the province.

Maulvi Sayidur Rahman congratulated the Finance Member on the budget but he would have liked to see vigorous policy pursued to increase activities of nation-building departments.

Mr. Kasinath Saikia, pleaded for more funds to be allotted for the improvement of dispensaries in the province. The House then adjourned.

On the 2nd APRIL the Council re-assembled in an atmosphere of excitement. Swarajists attended in full strength and after interpellations Babu Paresch Lal Shome Choudhury asked for leave to move a motion of no-confidence on the Hon'ble Rev. J. J. M. Nichols Roy, the Minister for Local Self-Government in as much as he does not possess the requisite qualifications under the Assam electoral rules. The President asked the sense of the House when 16 members rose in their seats signifying their approval of the motion and the president declared that the mover had the leave of the House to move the motion of no confidence and fixed to-morrow the 3rd April at 11 A. M. after questions as the time for discussion of the motion. Rev. Nichols Roy is not a British subject and is native of a Khasia native state and his case had been engaging the attention the local Government and the Government of India on the questions raised by some members in the council during the last July and September sessions.

#### RY. EXTENSIONS.

The Hon'ble Mr. Botham, Finance Member proposed a resolution for guaranteeing against loss in working the extension of the Eastern Bengal Railway eastwards towards Tangla on condition that such extension shall connect with Tezpur Bolipara Railway. Srijut N. C. Bardoloi and other Assamese members wanted the proposed railway to pass through Mangaldai town. The resolution was carried *nem con.*

#### ROAD DEVELOPMENT.

The Finance Member next moved a resolution sanctioning the programme of the board for road improvement to be financed mainly by a loan so calculated that annual charges for repayment with interest shall not exceed five lakhs. It was stated that the programme of road improvement of about 2000 miles of road would be finished within 10 years with loan of Rs. 75 lakhs which would be repaid in 38 years. The Swarajists opposed the proposed loan as the country was more in need of primary education, sanitation and water supply and questioned the bonafides of Government in bringing this proposal for a loan when last week they wanted unsuccessfully to impose an additional tax on the people for water supply, primary education and sanitation. The resolution was carried by 38 against 15 votes.

The Hon'ble Maulvi Syed Saadulla, Minister, then proposed the election of members to the development boards, agricultural, industrial and co-operative, two for each section. On the motion of Babu Paresh Lal Shome the House carried a motion increasing the number of members from two to four for each section. The election was then proceeded with.

#### SELF-GOVERNMENT ACT.

The Hon'ble Rev. Nichols Roy, Minister, then introduced a bill to amend the Assam Local Self-Government Bill which gave power to the Local Boards with the sanction of the Local Government to impose taxes. Babu Paresh Lal Shome gave notice of an amendment requiring the imposition of such taxes by local boards to be sanctioned by the Legislative Council which being objected to by the Hon'ble Minister was ruled out. Mr. Shome then opposed the bill and stated that it was strange that a popular minister should fight shy of the Council, but it was the inherent defect of the constitution which made the Minister the servant of the bureaucracy and not of the Council. He was not opposed to give power of taxation to local boards, but he wanted to have a safe-guard in the hands of the Legislative Council by a right of vote to interfere in cases of hardship.

Babu Basanta Kumar Dass opposing said the bill raised an important question of principle, as it encroached upon the right of the Legislature regarding taxation.

The bill was passed, 23 against 18 votes.

#### THE SIMON RESOLUTION

On the 3rd APRIL, the Hon'ble Khan Bahadur Kutubuddin Ahmed, Judicial Member moved his motion for the appointment of a committee to co-operate with the Statutory Commission. The debate following was a dull affair except for the impassioned and eloquent speech of the Congress leader, Mr. Bardoloi and the humorous speech of Col. Smiles. In view of the no-confidence motion coming afterwards only Srijut Nabin Chandra Bardoloi of the Congress Party opposed. He referred to the pledges of self-determination given when our masters needed our co-operation badly during the war but immediately they got out of it. They gave us the regard of our co-operation in the shape of bullets in Jallianwalla Bagh. He asserted that the country had nothing to gain by co-operation with the Commission who have come only with the object of consolidating the power of the alien Government.

Rai Bahadur Sadananda Dowerah (nominated) Rai Bahadur Anarnath Roy (nominated), Babu Hirendra Chandra Chakravarty (elected, Hailakandi), Rai Bahadur Ramani Mohan Dass (elected, Karimganj), Lt. Col. Smiles, Maulvi Syedur Rahaman (nominated), Md. Maulvi Monowwar Ali (elected, Sunamganj), supported the motion.

The arguments in support of the motion were rather amusing. All speakers except Col. Smiles admitted most of the arguments put forward by Srijut Bardoloi and recognised the strength and volume of public opinion against the Commission and deplored its constitution and the absence of Indians from it, but inevitably ended with a "but" and finally voted in favour of the motion. Only 15 Congress members voted against.

#### THE NO-CONFIDENCE MOTION

The Council next entered upon a discussion of the motion of no-confidence in the Hon'ble Mr. Nichols Roy, Minister for Local Self-Government. It may be mentioned here that a similar motion of 'Sj. Paresh Lal Shome Chowdhury allowed by the President the day before was disallowed by the Governor under Rule 24-A clause 3 of the Assam Legislative Council Rules.

Mr. Basanta Kumar Das, opening the discussion, said that the Minister was not entitled even to election to the Council as he was not a British subject as defined in the Government of India Act, that he was in the Council by mistake and as such should not be trusted with the administration of important subjects.

The Hon'ble Mr. Botham, on behalf of the Government, said that the Local Government had directed that the subjects of Khasi States were not ineligible for election by reason only of not being British subjects. Even apart from that the Hon'ble Minister had the qualification. He said that it was an intricate question of the law depending on the interpretation of the Assam electoral rules,

but the local Government were precluded from discussing that question which had been referred to the Government of India and it was unfair on the Minister that the motion should be based to any extent on a point which the local Government were precluded from discussing.

Swarajists and some other non-official members also charged the Minister with apathy to the country's interests, but the motion was ultimately rejected by 27 votes against 21. The Council then adjourned.

### VOTING UNDER BUDGET GRANTS

Demand for grants under "Land Revenue, Excise and Stamps" were discussed and passed in the Council on the 4th APRIL.

Under the sub-head "Survey and Settlement" Mr. Rohini Kumar Chaudhuri moved a cut of Rs. 2,68,751 on the ground of alleged excessive enhancement of revenue at re-settlement.

Other members who supported the motion said that the people had a grievance also on account of the fact that in settling waste lands the rules were not strictly adhered to and big capitalists were given preference.

The Hon. Mr. Botham said that Government had adopted a policy of assisting and encouraging the small capitalists to take land for tea planting, the rules for which have been published for criticism.

The motion for the cut was ultimately carried and an amended demand put through.

Excise then came in for criticism. Mr. Kuladhar Chaliha withdrew his motion for a cut on the Minister assuring the Council that Government had accepted the Council's recommendation to reduce the consumption of opium by 10 per cent.

Two other motions for small cuts were carried and the demand reduced by Rs. 205 was carried.

On the 5th APRIL demands for grants under "General Administration and Forest" were discussed at length and ultimately passed by the Council with a token cut under each. Under "General Administration" a cut of Re. 1 was carried against Government to call attention to the inadequacy of pay granted to the ministerial and menial establishments during the recent revision. The motion to reduce the salary of Ministers from Rs. 3,500 to Rs. 2,500 a month of which notice had been given by Maulvi Munawar Ali was not moved.

Complaints were more vocal when grants under "Forests" came under scrutiny. Hardships to poor villagers on account of strict forest regulations neglecting to help the small capitalists of the province to exploit forest, lack of amenities in forest camps and consequent ill-health among the forest officials were among the main points brought to the notice of the Government in several motions for reduction. With a nominal cut of Rs. 1000 demand under "forest" also was passed.

### RESOLUTIONS

The Council next got through a large number of resolutions in a short time, Swarajists not moving resolutions in their name and not taking part in other resolutions.

### PUBLIC ROAD IN ASSAM

Col. Smiles moved a resolution recommending that in the event of a public road in Assam being metalled by private enterprise one-half of the cost there should be paid from the provincial revenues.

Mr. Blekinsop, Chief Engineer, said he could not accept the resolution on behalf of the Government but he informed the Council that in selecting roads to be metalled Government will take into consideration any offers made to undertake work and bear half the cost, it being understood that the work must be done to the satisfaction of the Executive Engineer and further that road was Government or Local Board property and of benefit to public.

The resolution was ultimately rejected.

### NO-CONFIDENCE IN COMMISSION

Not satisfied with the defeat they sustained over the Government resolution appoint a committee to co-operate with the Simon Commission Swarajists

wanted to move a resolution to-day recommending to communicate to the Government of India and His Majesty's Government the entire lack of confidence of the Council in the Simon Commission.

Babu Basanta Kumar Das who wanted to move the resolution argued that though the Council had carried the resolution to co-operate with the Commission there was no harm in saying that they had no-confidence in the Commission.

The President pointed out that while the motion for co-operation was under discussion a certain section in the House had clearly raised the issue that they were unwilling to co-operate because they had no-confidence in the Commission and as in spite of that the motion to co-operate was carried, he could not allow the present resolution to be moved. The Council then adjourned till the 9th.

On the 9th APRIL the Committee to co-operate with the Simon Commission was elected, Congress members abstaining. The following 7 members were elected:—Colonel Smiles (European planter) Rai Bahadur Sadananda Dowerah and Amar Nath Roy (nominated members) Mr. Mukundnarayan Baruah (elected non-Mahomedan, Dhubri) and Maulvi Keramat Ali, Arjan Ali and Manwoar Ali (elected Mahomedans).

After the election, on the motion of Mr. Paresihal Shome (Congress), two motions were carried censuring Govt. for inaction on the erosion of Manu river at Maulvibazar and for Government's callousness in making no provisions against recurring floods in the Province.

The echo of Kanarighat Defamation case was heard when Babu Paresihal Shome moved a censure motion condemning Govt. for paying the expenses of complainant Webster though the latter did not proceed with the case and went away to England after the High Court ordered retrial. Babu Brojendra Narayan Choudhury, Deputy Leader, Swaraj Party supported the motion which however was lost by 21 votes against 13.

Maulvi Abdul Hamid (elected Mahomedan) who had so far taken a leading part in the refusing the district or Govt. not giving effect to the resolution passed at the last of the Council recommending the dismissal of police sub-inspector Abdul Hamid Akanda, but when called upon by the President he refused to move the motion. This caused great disappointment among the Swarajists who resented Abdul Hamid Choudhury's changed attitude at the last moment and refused to take part in a later motion by the same member demanding realisation of litigation costs from Sub-Inspector Akanda which was lost by 15 votes against 3. Swarajists thereupon opposed the entire police budget which was defeated by 23 against 13.

Another attempt to throw out the secret service expenditure failed by 19 against 16. The House then adjourned.

On the 10th APRIL as a result of many motions for reduction having been either withdrawn or not moved at all, Government got all their demands for grants moved and agreed to by the Council without much difficulty.

Under Civil Works a token cut of Rs. 2 was carried by the Council to draw attention of the Government to the paucity of good communications in rural areas in the Province.

The only other motion for reduction, which was passed on this day, was also a token one and was intended to point out the Government's necessity for increasing provision for advances and loans to cultivators, especially as it was feared that floods and famine might again cause distress in the province.

The Hon. Mr. Botham, on behalf of the Government, assured the Council that Government officers were keeping in close touch with the situation in the districts affected by the floods and that any demands received from them would be immediately complied with, more money being provided, if necessary, through supplementary demands.

The Council next took up discussion of resolutions a number of which fell through, the movers, especially those belonging to the Swarajist benches, being absent or declining to move them.

A sharp division just about the adjournment time resulted in the passing of a resolution moved by Maulavi Mahmud Ali, recommending Government to immediately borrow fifty lakhs of rupees for compulsory primary education which was opposed by Government. The main body of Swarajists, who were till then absent

from the Council, came in and voted solidly for the resolution with other non-official members. The House then adjourned.

The budget session of the Assam Legislative Council concluded on the 12th APRIL. The main point on which the Swarajists and some other non-official members criticised the Government yesterday and to-day was in regard to rural water supply, the budget provision for which, it was complained, was inadequate. On this ground a token cut under the public health demand was carried yesterday by a majority of votes.

The same complaint was made the excuse to-day for attempting to throw out a supplementary demand under civil works. The Hon. Mr. Botham, on behalf of the Government, told the House that the Government did not deny the importance and urgency of the improvement of rural areas water supply, but what they said was that it was not the only urgent and important need in the province at the present time and the improvement of water supply should be considered along with and in relation to other urgent needs of the province.

The supplementary demand was ultimately carried by a majority of votes.

Babu Brajendra Narayan Chaudhuri's motion for a cut of Rs. 100 under "medical," calling the attention of Government to the alleged over-representation of planters in certain local boards, was carried yesterday, the Minister-in-Charge not having been able to reply to the discussion as the time allowed for the demand was over.

The discussion on a demand under "Education" also occupied considerable time yesterday and the majority in the Council succeeded in passing two token cuts against Government.

The Hon. Mr. Saadulla, Minister, pointed out that the progress made recently in primary education was considerable and promised that if the local boards came up with a scheme under the Compulsory Primary Education Act, then he would spare no pains to extract as much money as required from the Finance Department for the purpose. Regarding secondary schools, he informed the Council that Government were gradually taking more and more such schools on the aided list.

The Goalpara Tenancy Bill was referred to a Select Committee to-day.

Government business having finished, discussion on the resolutions was taken up in a thin House this latter-noon. The first resolution regarding the granting of holidays in the month of Ramajan was discussed and rejected and the quorum not being present the Council was prorogued.

## The C. P. Legislative Council

The January Session of the C. P. Legislative Council met at Nagpur on the 16th JANUARY 1928. Though Dr. Khare, Congress whip, had issued instructions to the Congress members to attend the session, he cancelled the same in view of the explanation of the Madras resolution which he received from the Congress Secretary.

When His Excellency Sir Montagu Butler was addressing the Council the Congress members were in the library room and the Congress block was quite empty. After the Governor's speech the Council adjourned for half an hour.

### THE GOVERNOR'S ADDRESS

Addressing the Council, Sir Montagu Butler, referring to the Statutory Commission, said that the appointment and constitution of that Commission was a matter which was not primarily the concern of the Local Government, and discretion was vested in him under Rule 22 to disallow any discussion on the matter. He did not feel that any interest of the Government would be served by the exercise of his special powers. He therefore did not propose to disallow the resolution. He said that his Government had received no instructions to appoint any Committee to deal with the subject of Reforms or to open up any relations with the Commission. He had no intention of moving the Council without instructions in the matter.

Sir Montagu then referred to the communal disturbances in the province, and expressed regret that the atmosphere was not improving. He said that attempts should be made to restore a calmer atmosphere. A policy of give and take would go a good way towards clearing up the situation.



## BILLS PASSED

The C. P. Tenaney (Amendment) Bill, the Village Sanitation and Public Management (Amendment) Bill, the Weights and Measures Bill, Prevention of Adulteration (Amendment) Bill, Consolidation of Holdings Bill and the Land Revenue (Amendment) Bill as approved by the Select Committees were passed into law.

The C. P. Municipalities (Amendment) Bill, the Local Self-Government (Amendment) Bill and the Opium Smoking Bill was referred to Select Committees and the Council was adjourned.

On the 17th JANUARY the Swarajist benches were empty as the Swarajist members, numbering about 17 did not attend the Council. The members of the Council Nationalist Party were present. Question-time passed off quietly, and the whole list of 100 questions was gone through within half-an-hour. Government legislative business was then resumed.

Mr. S. B. Tambe, Home Member, moved that the Central Provinces Borstal Bill as reported by the select committee, be taken into consideration.

The Home Member explained that certain amendments to the Bill, of which notice had been given by Mr. T. J. Kedar, required the previous sanction of the Governor-General, and hence could not be moved.

Mr. Kedar contended that no such sanction was necessary, but if his amendments were not allowed he would have to move that the consideration of the Bill be postponed. After further discussion the consideration of the bill was postponed.

Mr. R. M. Deshmukh then moved that the Central Provinces Village Panchayat Amendment Bill, as reported by the select committee, be taken into consideration.

The amendment to the Bill standing against Swarajist members were passed. After considering certain minor amendments moved by the

Mr. Deshmukh moved two more Bills, one to amend the Central Provinces Municipalities Act and the other to amend the Local Self-Government Act, for reference to select committees.

Both the motions were carried without discussion. This concluded the Government legislative business and the Council rose for the day.

## THE NON-OFFICIAL BILLS

On the 19th JANUARY after question time the non-official bills were dealt with. Thakur Chedilal's bill to amend the Local Self-Government Act was passed without much discussion. Mr. K. P. Vidya moved that his much criticised bill to amend the Tenaney Act be referred to a select committee. Thakur Chedilal opposed the clause which conferred the right of transfer on occupancy tenants and Mr. Kedar also pointed out certain defects but agreed to refer the bill to a select committee. The Honourable Mr. Nelson, Finance Member proposed that the bill be re-circulated for eliciting public opinion. His amendment was carried, 27 voting for and 18 against. Mr. Kale introduced his bill to amend the Municipalities Act and the house agreed to refer it to a select committee. Mr. Fulay's bill to amend the Tenaney Act enabling the tenants to mortgage their land with rural co-operative society was circulated for eliciting public opinion.

Thakur Chedilal's Bill amending the Land Revenue Act and Mr. Kolhe's bill to amend the village sanitation and public management Act so as to repeal the village sanitation and public management Act as village Panchayats were going to have and judicial powers were circulated for eliciting public opinion. The Opium Smoking Prohibition Bill was referred to the same select committee to which the Govt. bill had been referred. Messrs. Khaparde, Kalikar, Kale and Charde introduced their bills to amend the High School Education Act. The house agreed to the motion to circulate the bill. Debate in the Council was dull and even the prominent Govt. members such as the Honourable the Home Member who was the leader of the house, the Finance Member and the Finance Secretary were absent from the Council for a long time. The Congress block was empty as usual and many Congress members were seen in the lobby and galleries. The Council then adjourned for tea.

The Council re-assembled after lunch to be adjourned only within ten minutes. The House agreed to circulate Mr. Pradhan's bill amending the Municipalities Act for eliciting public opinion.

## BOYCOTT OF SIMON COMMISSION

On the 20th JANUARY the Council met with a packed house of visitors and members in expectation of a debate on the Simon Commission. During question time the Congress members were absent waiting in the lobbies to enter as soon as questions were over. Mr. Biyani moved the following resolution on the Simon Commission :

"This Council recommends to the Governor in Council that he be pleased to convey to His Excellency the Viceroy and His Majesty's Government that this Council has no confidence in and will have nothing to do with the Statutory Commission in as much as its constitution ignores the national demand for Self-determination in the matter of the constitution for India and insults the self-respect of the Indian people."

In moving the resolution Mr. Biyani said that since the constitution of the Commission was announced disappointment had been expressed from all quarters. He thought his task was lighter in this house as the majority party, the nationalists in the Council, including the Ministers had expressed their dissatisfaction with the Commission. He exposed the theory of trusteeship and said that as a self-respecting people they could not co-operate in any way with the Commission and advised the Council to leave the Commission severely alone, as the appointment of the Commission did not recognise India's right to determine her own future constitution.

He concluded his speech after re-iterating the demand for a Round Table Conference.

Mr. Rajurkar supported the resolution with a lengthy speech and advised the Council to follow the policy of "nothing to do with the Commission" and thus give a fitting reply to the affront done to India by that diard Lord Birkenhead.

Mr. Gowan, Chief Secretary, in making the Government position clear reiterated all that was said in the opening speech of His Excellency Sir Montagu Butler. He further assured the house that no insult was meant to India. Before announcing the appointment of the Commission anxious thought and consideration was given to the whole question. No bad motive was behind the appointment. The Government had at their heart only the good of the people and happiness and prosperity of the land. He quoted the Prime Minister at length and said that by boycotting the Commission they had nothing to gain but everything to loose. He asked the house not to hold mistrust or suspicion about the Government motive. The Government wished to do good to so many millions of people.

Mr. Kedar, Responsivist, supporting the resolution said that they were not convinced by the arguments advanced on behalf of the Government and they had to support the resolution. Such a Commission was not wanted by them and all that they could do was to boycott the Commission. He strongly submitted that the preamble of the Government of India Act to which the British Government slavishly adhered to was never accepted by the Indians as it was an infringement of their right of self-determination. He reminded the British statesmen in the words of Edmund Burke that great empires and little minds go ill together. He held that the preamble on which all British statesmen took their stand was an exploded document. He further said since the last war India was being represented to the world as an equal partner of the empire and an independent unity by giving representation on the International institutions like the League of Nations but now England was again reverting to the preamble of the Government of India Act and trying to cheat the whole world. He advised the British nation not to play this dirty game. He asked the British people to pause and think if it was in their interest to antagonise India.

After Mr. Kedar, Mr. Sayed Hifazat Ali, ex-Minister made a statement on behalf of the Muslim members that they were not going to take any part nor would they vote either way as Muslim opinion of the province was yet to be expressed. They would express their views and chalk out their future policy after they knew that opinion and when the Government will bring forward any resolution on the subject.

Mr. Gowai (nominated, depressed) opposed the resolution and hoped that the Commission will listen to their political and social grievances.

Dr. Khare, Congress Whip in his speech supporting the resolution said that they were not convinced by Mr. Gowan's arguments. The Commission was coming to remind India of her bondage. He blamed the responsivists and others who seceded from the Congress and said that the appointment of the Commission was the outcome of their revolt. The Commission, he said, were meant to deceive

Indians. He invited the Ministers to make a statement on the floor of this house whether they are going to refuse to co-operate with the Commission.

After Dr. Khare followed Mohant Laxminarayandas and Mr. Rajendra Singh who supported Mr. Biyani's resolution. The house then adjourned for tea.

On reassembling Mr. Umeshdutta Pathak supported the resolution. He did not move his amendment. He characterised the commission as a farce and said it was being sent only to register their approval regarding conclusions already arrived at between certain British politicians who dominate British politics.

Mr. Dick, the nominated member of the Anglo-Indian community opposed the resolution. He said that his community had decided to co-operate with the commission and had expressed this view from the press and platform.

Mr. G. S. Gupta, Congress leader supported the resolution. Replying to Mr. Dick he said that Mr. Dick should have known that the Indian people had expressed their disapproval regarding the appointment and constitution of the Simon Commission. He said: "We must learn not to look to the British people for getting any rights but we must stand on our own legs." He appealed to the depressed class members, Muslims and the Anglo-Indians not to pocket this national insult and side with the nationalists of this land.

Mr. Khaparde, the leader of the Nationalist Party in supporting the resolution read out the following statement:—"The position of the party which I have the honour to represent is clear from the speeches made here to-day by members of this party and by the unanimous decision given by the executive council of this party in this behalf which was duly communicated to the Government by the Ministers. We as a party support this resolution. By doing so we do not bind ourselves hand and foot and for ever. So long as the Commission is constituted as it is, or its manner of function remains the same as given out, so far we as a party will have nothing to do with it. The Ministers are members of this party and go with it."

After this Mr. Kalangale, nominated member of the depressed classes opposed the resolution and Mr. C. G. Mishra supported it. Mr. Ratiram, nominated (depressed); opposed the resolution and Mr. N. S. Patil supported it.

The resolution was then put to the vote and carried, Government not claiming a division. The council then adjourned.

On the 21st JANUARY the Council met in a deserted house though there were many important resolutions on the agenda. Congressmen were no longer seen except a very few members who were loitering in lobbies and library room. There were not even 25 members present in the house when Khan Bahadur Mirza Rahaman Beg moved that Council debates be conducted in Hindi and Urdu. Only Muslim members spoke in support of the resolution while the Finance Secretary and Revenue Member opposed the resolution to which the mover did not agree as he wished to test the patriotism of the members. The resolution was negatived without division.

Mr. Charde then moved his resolution requesting the Government to remit sentences passed on accused in what was called the Arvi riot case. He referred to the Governor's speech and appealed to the Government to follow the Bengal Government in solving this question of communal cancer. Mr. Sharfuddin in whose name stood an amendment to include the Sitla murder case in which Moslems had been convicted but which was ruled out by the President, opposed the resolution. Mr. Fuley (nominated, labour) wanted to include all riot cases in the province but he was also ruled out of order. Yet he supported the resolution while Messrs. Majiduddin and Mohinnur Rahaman opposed the resolution as premature at this juncture. The Home Member complained that he was given to understand that this resolution will not be moved and when he saw that it was being moved to-day he was placed at a disadvantage. However, he congratulated the mover and other speakers for the good sense they showed in placing their cases before the House. But he did not think that the resolution was moved at an opportune time when communal tension had again increased. He was afraid that if the resolution was passed by the Council which had a Hindu majority it would be construed as a partisan act by the minority community. He would consider these cases on their merits only when communal peace will be established. He hoped that a permanent reconciliation between both the communities would soon be established. He also informed the House that the Government under the present circumstances was not prepared to accept the resolution.

Mr. Kedar, while supporting the resolution, charged the Government with

responsibility for these communal riots. The Hon. Mr. Nelson, Mr. Gowan and Mr. Dey, all Government members protested against the charge levelled against Government and District officers. When this resolution was debated attendance was almost full, only the Congress members remaining absent. The resolution was carried, 25 voting for and 18 against.

Mr. Pradhan then moved for the appointment of an Enquiry Committee to enquire and report regarding the grievances of Government clerks. The resolution was opposed by the Government, but was passed, 25 voting for and 18 against. The Council then adjourned till the 24.

On the 24TH JANUARY Thakur Chedilal moved a resolution standing in the name of Rao Bahadur N. K. Kelkar asking Government to take immediate steps to have the judicial function of the Government separated from the Executive function and to bring about complete separation of these functions. It may appropriate a sum of 9 lakhs. Government had taken objection to Thakur Chedilal's moving of this resolution but as he had given notice of a similar resolution and the ballot did not give his resolution sufficient high place the President allowed him to move the resolution. Thakur Chedilal emphasised the urgent need of this reform in preference to other schemes of progress.

The Hon'ble the Home Member said that the Government of India at present, is considering this proposal and trying to evolve a scheme which could be applied to all provinces. He assured the House that he would place this proposal before the Standing Committee. After a few more speeches the resolution was carried without division and the Council adjourned "sine die."

### The Budget Session.

The budget session of the C. P. Council opened on the 1ST MARCH when the Hon'ble Mr. Nelson, Finance Member presented the following budget for the year 1928-29:—The effect of the total remission of the provincial contribution and the suspension of famine insurance assignment put the Government in a better financial position during the year 1927-28 leaving a free balance of 87.78 lakhs but the revised estimate shows a closing balance of only 47.30 lakhs and the reasons given for this by the Revenue Member in his speech showed that the year 1927-28 was culturally only a moderate one, unreasonably heavy rainfall having dashed all hopes of good year.

On the receipt side the principal increase and decrease during 1927-28 were an opening balance of four and half lakhs: land revenue  $3\frac{1}{2}$  lakhs. Also a saving of 1 and one-fourth lakhs is expected from the sanctioned expenditure under the head education (transferred). On the other hand expenditure in England is expected to rise by 2 lakhs, larger number of officers being on leave in England. The cumulative effect of all these adjustments is worsening the financial position by 22 lakhs reducing the estimated closing balance from 69.29 lakhs to 47.30 lakhs. The budgetted receipts for the year 1928-29 are 613.02 lakhs as compared with 673.94 lakhs, the revised figure for the current year. Receipts from excise are expected to increase by four and half lakhs while a fall of  $7\frac{1}{2}$  lakhs from land revenue is expected.

On the expenditure side an increase is seen over the current year's revised estimate under the heads "Police" by Rs. 169 thousands and "Education" (transferred) 1361 thousands. A provision of half lakh of rupees for strengthening armed police is made. Rs. 74.22 lakhs are being provided for new expenditure, transferred departments getting about 88 per cent, i. e., 59.88 lakhs and the remaining to the reserved half.

The Finance Member considers this budget to be a safe and prosperous budget though the budgetted revenue and the receipts are 61303 thousands. If only total provincial revenue and the total provincial expenditure are taken into consideration the budget shows a deficit of Rs. 2828 thousands. This year also C. P. gets a remission of 22 lakhs under the head "Provincial Contribution and the Suspension of Famine Insurance Assignment."

After the budget was introduced the Borstal Bill was discussed and all non-official amendments were thrown out. The Municipal Act Amendment Bill was

referred to a Select Committee and the Childrens' (Protection) Bill as reported by the Select Committee was passed without discussion and the House adjourned.

### GENERAL DISCUSSION OF BUDGET.

On the 2ND MARCH Mr. Rajurkar opened the discussion and protested against the Government policy relating to education and suggested several improvements to meet the needs of the people.

Mr. Jaiswal recommended separation of the judiciary and the executive by making necessary provision for the same in the budget. He also expressed that the Council could not make any advance under the present Reforms.

Mr. Rahiman advocated the encouragement of ayurvedic and unani medicines and the development of Urdu.

Mr. U. Patel pleaded for reduction of the expenditure under the head "electric installation" and wanted to utilise the money for other improvements.

Mr. Fullay paid compliments to the Ministers for having secured 88 per cent for the transferred departments considering the decrease in the revenue from Excise. He said that the Ministers had subordinate position in the matter of allocation of expenditure. He demanded for them complete financial autonomy. He advocated that taxes if necessary should be imposed for the general welfare of the province. He said that the revenue got from the suspension of the Famine Insurance grant should be spent for the uplift of the rural and urban backward classes.

Mr. D. K. Mehta criticised the budget and in doing so suggested several improvements. Mr. Gole urged improvement of industries.

The Council then proceeded with the consideration of demands for grants presented to the Council for expenditure during the year 1925-26. The demands were put to vote and declared carried.

Supplementary demands under the heads, Depreciation funds for the Government Press, Irrigation and Justice, education, famine insurance fund, and excess travelling allowance incurred by the Ministers, were voted.

On the 3RD MARCH Mr. Kedar characterised the budget as neither safe nor progressive and urged that the Government should pay more attention to the Transferred Departments. He pleaded that 22 lakhs remitted from the provincial contribution should be earmarked for the Transferred Departments.

Rao Bahadur Narayana Rao Kelkar expressed his inability to call the budget a progressive budget, as he found no change under the present Reforms. He criticised the Ministers for not having secured any provision for the development of industries and several other important needs of the people. He said that Local Self-Government had made no progress.

Mr. Kashiprasad Pande laid stress on the need for the improvement of roads in rural areas.

Mr. Nagle opined that if the old methods of preparing budgets were followed, the progress of the Province would be doomed for ever from the popular point of view. He complained that no provision was made for several necessary items.

Mr. Phatak pleaded for adequate provision for compulsory free primary education on the lines of Bengal.

Mr. De, Finance Secretary, replying to the budget criticisms advanced by non-official members said that every possible care was taken not to neglect any necessary project or improvement.

Mr. Rizvie welcomed certain provisions in the budget, which were calculated to help the Province.

Mr. Trivedi, Director of Industries, narrated official activities to improve the conditions of indigenous enterprises.

Mr. Beckett, Director of Public Instruction, explained the educational policy, and assured the House that every possible endeavour would be made to attain their object.

Mr. Khaparde disapproved of the policy of separate schools on communal lines. The Hon'ble Mr. Deshmukh met all the objections raised by the non-official members in connection with the budget provisions for the construction of rural roads.

The Hon'ble Mr. Raghavendra Rao acknowledged the generous policy of the Government in respect of the Transferred Departments. He said that liberal provision was made for education, and further he assured the House that he would meet other objections when voting on demands came up for discussion.

The Hon'ble Mr. Nelson explained that the utilisation of the provincial grant of 22 lakhs rested with the Government. The House then adjourned till 8 March.

#### VOTING ON BUDGET GRANTS.

On the 8TH MARCH the Council met to vote on Budget demands. Mr. Pradhan proposed a token cut of Re. 1 in the general land revenue grant.

The Hon'ble Mr. Nelson opposed the cut on the ground that the settlement operations could not be postponed.

The President declared the motion for the cut carried.

The Hon'ble Mr. Nelson demanded a division. 29 members voted for the cut and 16 against, Mrs. Kale abstained from voting.

The Hon'ble Mr. Raghavendra Rao, explained to Mrs. Kale her right to vote, and she recorded her vote with the Government.

Rao Bahadur Kelkar then proposed a cut amounting to Rs. 30,500 under the head "Revision of survey and settlement in Berar."

The motion was declared carried without any division.

Mr. Kelkar proposed another cut of Rs. 88,800 for revision of survey operations in Mandla district.

Mr. Umesh Dutt Phatak supported the motion.

The motion for the cut was declared carried by 29 against 16 votes. Both the Ministers abstained from voting.

Mr. Kelkar's motion for cuts amounting to Rs. 16,900 and Rs. 93,400 under the heads "Revision of Survey Operation in Raipur and Bilaspur zemindary respectively" were declared carried without a division.

When a cut amounting to Rs. 9,351 in the grant for survey and settlement in Akola district was under discussion, the House adjourned for lunch.

After lunch Mr. Waterfull, Commissioner of Settlement, explained the necessity of settlement operations, and defended Government's policy.

The Hon'ble Mr. Nelson followed, and asked the House to know their responsibilities before they arrived at any decision.

The motion for the cut was declared carried by 21 votes against 19.

Mr. Rajurkar's cut amounting to Rs. 135,500 under survey and settlement was declared lost by 21 votes against 25.

Mr. Charde moved a token cut of Re. 1 in the demand for Patwari establishment, but it was withdrawn.

Mr. Pradhan's token cut of Re. 1 as a protest against Hazul and general policy was declared carried by 30 votes against 19. The Council then adjourned.

#### Discussion on Excise Grant.

On the 9TH MARCH the Hon'ble Mr. Raghavendra Rao moved the excise demands.

Mr. Nagale proposed a token cut as a protest against the Government's policy relating to total prohibition, and said that the excise policy of the Government should be influenced by considerations of revenue.

Rao Bahadur Kelkar in supporting the cut said that the excise policy was not successful, and urged that the Government should declare a policy of total prohibition and should carry it out within a certain definite period. Mr. Kelkar further declared that the policy of total prohibition should be worked, but gradually, because the declaration of total prohibition by a stroke of the pen would not serve any useful purpose.

Mr. Mehta and Mr. Khare severely criticised the Government and the Excise Minister for not carrying out the policy of total prohibition.

The Hon'ble Mr. Nelson said that the excise policy of the province was an envy of the rest of India and there was no better person than the Hon'ble Mr. Raghavendra Rao to carry out the policy dictated by this House. He expected the House not to apply a brake, but to stimulate the policy.

The Hon'ble Mr. Raghavendra Rao asked the House to know its responsibilities before dictating any excise policy in connection with total prohibition, and added that the Government was unable to prescribe any time limit to enunciate and carry out the policy of total prohibition.

Mr. Nagle withdrew his token cut. Rao Bahadur Kelkar then moved a token cut as a protest against the excise policy followed by the Minister and urged that the Minister should declare his policy.

Mr. Khaparde said that Mr. Kelkar was determined not to be satisfied by his explanation offered by the Minister, because the Swarajists entered the Councils to throw out the Ministry and the budget.

The President asked Mr. Khaparde not to criticise the Swarajists or the Congress Party, but to confine himself to the main topic.

Mr. Kelkar's cut was declared lost by 11 against 36.

The Congress Party, including 2 members of the depressed classes, voted for Mr. Kelkar's motion for cut, while the Nationalist Party voted with the officials against the motion. The entire demand under Excise minus Rs. 500 was put to vote and declared carried.

The entire demand under the head "Stamps" (reserved) was put to vote and declared carried.

While the demands under the head "Forest" were under discussion, the House adjourned.

#### Forest Administration Criticised.

On the 10TH MARCH Mr. Deshmukh's token cut of Rs. 100 to call attention to the grievances in respect of fodder grazing rates was carried by 25 votes against 23.

Mr. Deotale's token cut of Re. 1 as a protest against the general policy of the Forest Department was carried by 29 votes against 21.

The demand for Rs. 39,79,890 under the head "Forest" (Reserved) was then put to vote and carried.

The entire demand of Rs. 2,19,130 under the head "Registration" (Transferred) was put to vote and carried.

Mr. Jaiswal's cut for Rs. 50,000 under the head "Irrigation" (Reserved) was declared lost by 3 against 24.

The Congress Party and the Nationalist Party abstained from voting.

The entire demand for Rs. 15,61,000 under the head "Irrigation" (Reserved) was put to vote and carried.

Mr. Kedar raised objection as to why the Indian News Agency should be subscribed and proposed a cut of Rs. 10,000 in that respect.

The Hon. Mr. Nelson replied that the expenditure on the News Agency was essential because the head of the Government should be in possession of news. As a result of the above reply, the cut was withdrawn.

Mr. Kashiprasad Pande proposed a token cut as a protest against the reduction of the members' daily allowances.

The motion was carried by 17 votes against 11. The official members abstained from voting and the Congress Party voted against the motion.

On the 12TH MARCH Mr. Pradhan's token cut to protest against the absence of high officials when there were communal disorders in Nagpur, was carried by 29 votes against 18.

The abolition of the posts of divisional commissioners and their establishment was pressed and it was carried without a division. Certain cuts in demands under "General Administration" were either lost or withdrawn and then the total demand was put to vote and carried.

Mr. Gole pressed for a cut in the Ministers' salaries and urged that their pay should be reduced to a nominal amount. In doing so, he said that Ministers did nothing for the people during their terms of office and the Nationalist Party and the Ministers were merged into the bureaucracy.

Dr. Khare, in supporting the cut, said that it was not proper for the Ministers to hold office in view of their opinions regarding the Simon Commission.

The Hon'ble Mr. Raghavendra Rao repudiated the insinuations and said that there was no case where the Government threw out their proposals and they did their best to improve the transferred departments. As regards their political views in connection with the Simon Commission they had been congratulated by the President of the Congress. The cut was pressed and declared lost by 9 votes against 43. The Congress Party only voted for the cut.

The demand under the head "General Administration" (Transferred) was put to vote and carried. The House then adjourned.

#### AMNESTY TO PRISONERS.

On the 13TH MARCH, Mr. Kashiprasad Pande moved a motion for the adjournment of the House on the ground of total crop failure in the Hindi districts of C. P.

The President disallowed the motion. He said that opportunity was given to members to speak on the cuts, but they did not avail themselves of it.

In this connection, it is understood that the Governor refused to receive a deputation of members of the Hindi districts on the ground of ill-health.

Mr. Kalikar moved a token cut and pressed for general amnesty to all prisoners convicted or undergoing trials in connection with communal riots. Mr. Hifazat Ali opposed the motion on the ground that no useful purpose would be served by releasing such prisoners.

Mr. Khaparde in supporting the motion said that it was brought with the best of motives, and in order to restore confidence and to bring about reconciliation between the communities.

Dr. Khare said that more than 30 Mahomedans approached him to support the motion of general amnesty.

Mr. Pradhan assured that he had a sympathetic attitude towards Mahomedans and that amnesty was not meant for the Hindus alone.

Mr. Sherfuddin said that his painful duty was to oppose the motion. Unless both the communities arrived at an amicable settlement to arrest further disorders, it was useless to approach the Government for general amnesty.

Messrs. Fuley, Golwalkar, Gole, and Patel supported the motion.

The Hon'ble Mr. Tambe assured the House that the Government would pay serious attention to the question of amnesty.

The motion was declared carried by 34 votes against 18. The Mahomedan members, except Mr. Rahaman, voted with the officials. The non-official nominated members including Mrs. Annusiyabai Kale voted in favour of the motion for general amnesty. The Ministers abstained from voting.

#### Censure on Police Grant.

On the 14TH MARCH Mr. Jaiswal in moving a cut of Rs. 51,359 under the head "Police" (reserved) said that the expenditure was unjustified.

Mr. Gowan in opposing the motion stated that special reserved and armed police were necessary, when there were outbreaks of communal riots, for maintaining peace and order. The motion was carried by 25 votes against 20.

Mr. Kashiprasad Pande raised an objection to the provision of 4 lakhs for furniture and apparatus for the Nagpur Science College, but subsequently withdrew it.

On the 15TH MARCH demands under the head Education (Transferred), amounting to Rs. 63,97,489; under the head Medical (Transferred), amounting to Rs. 16,20,559; Public Health (Transferred), amounting to Rs. 6,64,300; and under the head Agriculture (Transferred), amounting to Rs. 17,42,222 were carried; as also the demands under Industries (Reserved) and Industries (Transferred).

The guillotine was applied to the remaining demands. The Council was then adjourned "sine die".

#### GOVERNOR'S CERTIFICATION.

Reduction effected by the C. P. Legislative Council under heads "land revenue" "general administration", administration of justice and police (reserved) were certified by the Governor declaring that expenditures were essential to the discharge of his responsibility to administer those departments.



# The Burma Legislative Council.

## The Governor's Address.

The Budget Session of the Burma Legislative Council commenced at Rangoon on the 9TH FEBRUARY 1928. His Excellency the Governor, who arrived in State at 11 a.m. in addressing the Council referred to the impending departure of Sir William Keith, Finance Member and dwelt upon the Simon Commission. He said that they were still waiting for a lead from the Government of India about the election of a committee of the local Council to co-operate with the Simon Commission. Despite the Secretary of State for India's speech, the Viceroy's appeal for co-operation and Sir John Simon's letter, he was afraid that some important sections of political thought in India, and some legislative bodies might still adopt the most harmful policy of non-co-operation with the Commission. He hoped that the local Council would not follow a lead of that kind but would adopt a policy of goodwill.

Dealing with crime in the province he expressed horror at the appalling cases of murder—3,500 during the last three years. That fact was all the more startling, being entirely out of harmony with what was a stronghold of Buddhist religion. He had no doubt that what really was wanted was the awakening of the public conscience and general rallying of the people on the side of law and order, for which he was aware he could rely on the assistance of the members of the Council.

The Governor repudiated the suggestion that the cause of refusal to pay the Capitation tax was poverty. There was provision for exemption of the poor. The movement was confined to certain well-defined areas, skilfully organised and in many villages led by well-to-do men. He conceded that the people were entitled to hold the opinion that the Capitation and Thathameda taxes should be abolished. But the Government had decided upon their retention for the present and unless the movement was firmly handled the danger would become widespread. He regretted that at the outset of his career as Governor of Burma, he should have been compelled to adopt these repressive measures. The taxes were old taxes, and were bringing in a revenue of more than one crore of rupees every year. So far the search for suitable substitutes had proved, infructuous. But he was prepared to consider any proposals for replacing them, at any rate the Capitation tax, by taxes less open to theoretical objection.

His Excellency the Governor's speech was followed by a short recess after which the business of the day was taken up.

Swearing-in of new members and interpellations being over, Mr. U. Pa, Leader of the People's Party moved an adjournment motion to consider the action of the Government in interfering with the liberty of the speech and in imposing restrictions on the members of the Minbu Conference, that they must not refer to their speeches to the Capitation and Thathameda taxes and the Couper Committee's report. The President fixed 4 p.m. for the discussion of the motion.

The Forest Minister introduced the Betting Tax Bill and proposed referring it to a Select Committee. The motion was opposed by the People's party members. But it was passed.

## Presentation of the Budget.

The Budget was next presented by the Finance Member. The revised estimates for 1927-28 showed an opening balance of one crore. Receipts amounted to Rs. 11,50,23,000 and expenditure to Rs. 12,38,64,000. The closing balance amounted to Rs. 11,59,000. The estimated receipts included a proposed loan of 85 lakhs from the provincial loans fund. The opening balance was actually 17,25,000 or Rs. 7,21,000 in excess of the sanctioned estimate.

In view of these figures, it had been decided to reduce the proposed loan by 10 lakhs to 75 lakhs and to assume a closing balance of 30, instead of Rs. 11,59,000. On the expenditure side, provision was made for Rs. 9,72,44,000 ordinary revenue expenditure, Rs. 2,58,90,000 capital expenditure, and Rs. 29,59,000 under debt heads or Rs. 12,60,93,000 in all.

Sir William Keith, Finance Member, introducing the Budget, referred to the several new changes made in the form of the budget, so as to make it more easily understandable.

After dilating on receipts and expenditure, he remarked that the province had taken on a large irrigation and building construction programme, which would be carried out over a number of years. The commitments of Burma were not so large as to prevent these being financed by loans without getting into deep waters and without imposing fresh taxation. He described the Public Accounts committee of Burma as the second most efficient in India.

#### Ban on Minbu Conference.

At 4 p.m. the Leader of the People's Party moved his adjournment motion in connection with the Minbu Conference. After criticising the orders interfering with the liberty of speech, he thought that it was better to allow the people to ventilate their grievances publicly. And he could not think how a breach of the peace could be apprehended from such Conferences.

The Chief Secretary, Mr. Brander, opposing the motion, outlined the history of the campaign of non-payment of taxes and quoted several speeches to show that the agitators started a vile calumny of the Government, and it was a serious attempt to subvert authority and break down the system of Government established by law. No Government worth the name, could do otherwise than to take drastic action in the face of such affairs. The Government did not object to free criticism. No Government did. But in the present instance, the Government took the view that if the Conference was allowed to discuss the subject, the crowds which attended it, would go back with a desire to start the agitation in the other parts of the province. The campaign was merely an attempt to break down the system of law and order. The goal, he said, should be reached by constitutional methods. He asked the House whether they were ready to encourage those who were retarding Burma's progress and committing violent deeds and bringing desolation to themselves and others.

A lively discussion took place on the motion for two hours, and it was ultimately talked out. Of the non-official speakers Mr. U Kyaw Lun of the Golden Valley Party, and Mr. Campagnac (Independent) and some other members of the People's Party criticised it. The Council then adjourned.

#### Discussion of the Budget.

On the 10TH FEBRUARY general discussion of the budget was initiated by Mr. U. Pu, Leader of the People's Party, who complimented Sir William Kelth, Finance Member, on his ability, courtesy and industry, and regretted his impending departure. This feeling was endorsed by subsequent speakers from different sections of the House.

Mr. U. Pu criticising the budget compared the disparity between the police and education expenditures, and urged postponement of works involving large expenditure not urgently needed. He warned the Government that the present expenditure, if continued, would involve the country in difficulties. He also referred to the observations made by the Auditor-General regarding the rapid growth of provincial expenditure.

Criticism was also levelled by other speakers against the disproportionate increase in departments other than nation-building, and on the retention of the Capitation tax, the present excise policy and the non-productive civil works budget.

On the 11TH FEBRUARY the Ministers and the members of the Government replied to the criticisms made by the non-officials yesterday during the general discussion of the Budget.

The Education Minister said that the cost of education was mounting each year, and the Government had been considering the Compulsory Education Bill which he hoped to expedite. As regards help to local bodies, he said that the Government was anxious to do all in its power, but it was for the local bodies to show first that they had an interest in their own affairs.

The Forest Minister said that the allegations made in connection with the Land Mortgage Bank Bill were baseless, and explained the present position. He dismissed the statement that consumption of liquor had increased, and said, rather it was lower than what it was before. He said that the total revenue derived from liquor did not exceed 9 per cent of the total provincial revenue and compared very favourably with those of other provinces in India. He quoted the import figures and remarked that Burma was comparatively speaking very sober.

The Home Member regretted the absence of constructive criticism in the remarks made by the members. If the province was to progress, it was necessary that there should be law and order, and to obtain that progress, there must be an adequate force to preserve law and order. As regards bribery and corruption, he said every attempt had been made to suppress them, and there had been a great improvement during the last few years. If the members wanted to reduce the policy of expenditure, they should advise the people

to co-operate more with the policy in the suppression of crimes and in the detection of culprits.

The Finance Member thanked the members for the kind references to him. He said that the expenditure on education and the nation-building departments compared favourably with the figures of ten years back.

As regards the Capitation and Thatbameda taxes, he said that these were Burmese indigenous taxes, and it was not possible to abolish them until substitutes could be found. He concluded by saying that the financial position of Burma was sound. The Council then adjourned.

#### Arms Act Amending Bill.

On the 13TH FEBRUARY the following four bills were passed:—The Burma Military police Bill to consolidate and amend the laws relating to the Military Police in Burma so as to embody all the existing Acts; the Indian Arms Burma Amendment Bill to make clear what knives are arms, and to prevent people from going about armed with certain knives with pointed blades; the Burma sale of Food and Drugs Bill to check adulteration; the City of Rangoon Municipal Amendment Bill to empower the Corporation to grant gratuities in certain cases; the Burma Municipal Bill to consolidate and amend the law relating to the municipalities in Burma; and the Burma Weights and Measures Bill to provide standards to weights and measures for use in Burma.

The India Arms Bill evoked a great deal of discussion in which various members took part; and the members of the people's Party opposed it on the ground that it was a further attempt of the Government to disarm the people. The provisions in the existing Village Act were enough, they declared, to deal with the situation, and that the object of the Government would not be achieved by such a measure.

The Bill was passed by an overwhelming majority. The Council then adjourned.

On the 15TH FEBRUARY the non-official business transacted was the discussion of two resolutions, one of which was withdrawn after discussion, while the other which evoked a lively discussion was negatived by a majority of 24 votes. The latter resolution was to the effect that the appointment of a special officer for the suppression of crime in Pegu Division was not necessary.

On the 16TH FEBRUARY Mr. S. Tyabji moved the adjournment of the House to discuss a matter of urgent importance, that is, the conduct of members of the Cameron Regiment stationed in Rangoon in committing assaults on women and various other offences and the public unrest caused thereby.

The President said that he had no information to enable him to decide on the urgency of the matter or of its public importance. He noticed that no questions had been asked on the matter. He therefore suggested to the mover to put certain questions in this connection to Government and asked the Government to waive the time limit and answer these questions in the course of the next week. If those answers were unsatisfactory the President said the mover could renew his application.

Mr. Tyabji agreed to the suggestion and the matter was dropped.

Two non-official resolutions of provincial concern were then discussed and ultimately withdrawn as the movers of the other resolutions on the agenda were absent.

On a point of order raised, the President said that any member who had given notice of a resolution should be in his place at the proper time or he should explain his absence. The Council then adjourned.

On the 18TH FEBRUARY the Council held a short sitting when some official business was transacted. On the motion of the Forest Minister the Bill to amend the Burma Fisheries Act 1905 to give power for the issue of fishery leases to landowners collectively at approved rents was referred to a select committee. The Forest Minister also presented the report of the Select Committee on the Burma Betting Tax Bill which provides the levy of a tax at 2 and half per cent upon all sums paid as bets into the totalisator and the levy of a tax not exceeding one rupee upon every bet made with the bookmaker. The Select Committee had recast the Bill to emphasise the fact that the Bill was to apply only to horse racing and pony racing. The Council then adjourned.

#### Demands for Grants.

On the 20TH FEBRUARY after the Finance Member had moved for a grant of two crores, sixty-four lakhs, ninety thousand, eight hundred and seventy rupees for the departments under his charge, three token cuts were proposed of which only two were put to the vote, one being withdrawn.

Mr. U. Tha Zan proposed exemption from the Thatbameda Tax of the parents of those who pass the Patampayad Pali sacred literature examinations.

Government opposed the motion for financial reasons, but it was pressed to a division and carried. The People's Party and several Independents cast their votes in its favour.

Mr. Tharrawaddy U. Pu's motion urged the abolition of the Capitation and Thathameda Taxes and criticised the method of collecting them. He said that a sort of reign of terror had been instituted by the adoption of repressive measures and called in question the conduct of some officials concerned.

Mr. Smyth, the Financial Commissioner, traced the history of this agitation and characterised it as a mere political stunt without reason or ground.

Mr. Brander, Chief Secretary, said that most of the charges against the officials were absolutely unfounded and the mover failed to specify instances. Had not the situation in Tharrawaddy been taken in hand in time, active rebellion would have taken place.

The Finance Member pointed out that the proper course to reduce taxation was to reduce expenditure, but no suggestion had been forthcoming. He referred to the report of the Retrenchment Committee which recommended an increased expenditure instead of suggesting a reduction. Government accepted the advice of the Committee and was indifferent to the retention of these taxes if it could get sufficient money to carry on. The effect of this cut would be that the headman would not get his commission paid in full, but would have to wait for a year. The motion was lost.

#### Suppression of Bribery.

On the 17TH FEBRUARY, of the four non-official resolutions disposed of in the Council, three were withdrawn, while one, which was of some importance, was lost. The last resolution recommended the appointment of a committee to enquire into and make recommendations to suppress bribery and corruption.

Mr. U. Po Hla, the mover, said that the question was old, and had been discussed in the press and on the floor of the House, as its existence was an undeniable fact. The taking of bribes was detrimental to the administration of justice and had resulted in the public losing confidence in British Rule.

The Chief Secretary opposing the resolution said that the Government had dealt firmly and rigorously with any cases exposed, and did not think any good would come out through an enquiry by such a committee. After explaining what the Government had done in this connection, he said he doubted whether the committee would be in a position to put forward proposals to combat the evil. The only way to eradicate the evil was by public condemnation.

Mr. U. Pu, supporting the resolution, criticised the corruption in the subordinate judiciary.

The Home Member said that the Government did not deny the existence of the evil, but every effort had been made to suppress the evil, as a result of which there was a great reduction in the number of cases. He did not see that any useful purpose would be served by such a committee, and asked the members to bring the cases known to them to the notice of the Government. He did not think the statement that people had lost confidence in the Government was correct; for even the members of the Opposition had admitted that they preferred to be tried for offences by an English Magistrate rather than by a Burman Magistrate. No constructive scheme had been put forward to suppress the evil. As no case had been made out for the appointment of such a committee, he strongly opposed it. The Council then adjourned.

#### Allegations Against Military.

On the 21ST FEBRUARY at question time Mr. S. A. S. Tyabji asked:—

Whether the Government will be pleased to state if any information with regard to molestation of women or rowdiness by members of the Cameron Regiment has been brought to the notice of the Government;

(2) whether it is true that a girl has been sent to the General Hospital because of ill-treatment by members of this regiment;

(3) whether two ladies in Dandwith Road have been molested;

(4) whether any lady was molested whilst going in a Ticea Gharry;

(5) whether there was any row between a member or members of the Regiment and the Chinese in China Street or in that quarter."

The Home Member said: "No cases of the nature referred to have been reported to the Police, with the exception of one case in which two soldiers broke into a shop and committed theft. It is understood that these soldiers have been dealt with by a court-martial. Exhaustive enquiries have been made as to the occurrence of any cases of the nature referred to; but information has been forthcoming regarding only two incidents. (1) An Anglo-Indian lady was accosted in the streets by three soldiers, and invited to go for a drive with them in a taxi. On her refusal, they left her. A European lady when

about to enter her flat in the town was somewhat rudely jostled by some soldiers, who were passing.

(2) No; the allegations have been carefully enquired into and found to be absolutely false and without foundation. The hospital records confirm this.

(3) and (4) No information is forthcoming. In November before the Cameron Regiment came to Rangoon two soldiers on cycles came alongside a Ticca Gharri, in which the lady mentioned was driving. Upon her objection to their presence, they rode away.

(5) No. Some six months ago a soldier belonging to the Manchester Regiment was concerned in an affray with some Chinamen in China Town, and received some injuries. He was taken in charge by the Garrison Military police, and a report was made to the police.

After further interpellations, several nominal cuts were moved to the demands made by the Finance Member; but all motions were lost.

Discussion on another cut on the Finance Member's demand was proceeding, when the Council adjourned.

On the 22ND FEBRUARY the President informed the House that Mr. Tharrawaddy U Pu had sent in notice of a resolution expressing dissatisfaction with the Statutory Commission, but that the resolution did not survive the ballot.

When cuts on budgets were being received the same member sent notice of a nominal cut to discuss the Statutory Commission, but no money being provided in the Budget for the Commission, there could not be any discussion on the Statutory Commission. But in order to meet what appeared to be the general wish of the Opposition, he (the President) consulted the Governor and the Leader of the House. The Governor had consented to admit the motion on the Statutory Commission for discussion, and had fixed Friday afternoon, so as not to interfere with demands for grants.

The President also said that he had received notice of a motion expressing confidence in the Statutory Commission, and a desire to co-operate with it. He asked other members to give notice of motions, if they desired to move any.

Mr. Tharrawaddy U Pu objected to this, and asked the President not to allow the other side to move any such motion, as his party members, being given to understand that his resolution of "No-confidence" or cut would not be allowed, had gone back to the districts.

The President said that the Governor had desired to satisfy the members of the Council and to give an opportunity to them to discuss the matter.

Mr. U. Pu, Leader of the People's Party also objected and said that it was a very important constitutional question. It was not fair to let the other side move any motion on this subject, in view of the fact that the Opposition benches had dwindled in numbers, the members having gone back to their districts.

The day was devoted to a discussion of several financial cuts. One was lost, while the others were withdrawn.

#### Debate on Working of Reforms.

On the 23RD FEBRUARY opportunity was taken in the Council to raise the question of the working of the Reforms in Burma, when after the House had agreed to the demands of the Finance Member, Mr. J. K. Munshi, a non-party member, moved a taken cut to the demand under the item "Provincial Legislative Council."

Mr. Munshi explained at the outset that his object was not to censure either the Government or any party or any section of the House, but to indulge in constructive criticism which would result ultimately in our advantage to the province. An examination of the working of the Council during the past 12 months would show that they were going backwards. After criticising the work of the various parties in the Council he deprecated the tendency of the members to speak in Burmese, and turning the House into a vote-recording machine, which he said was not the object of the Reforms. He expressed the opinion that the non-official Europeans were inarticulate and were not carrying out their responsibilities.

A number of members then took part in the debate, the critics of the Reforms being mostly members of the People's Party.

Mr. Wroughton, representing the Burma Chamber pointed out that non-official Europeans had been present during all the debates in the House and participated in such as interested them but not in the others, lest they should be misunderstood.

The Chief Secretary, opposing the cut, explained the principles of the Reforms and said that the Government members were doing what they believed to be in the best interests of the Government and the province. The principle of joint responsibility had been accepted, and a new and important convention was being established.

Mr. A. Smyth, Financial Commissioner, said that for the Reserved half the Government was not responsible to the House, but to the Secretary of State.

Mr. Munshi, the mover of the cut, replying to the debate, drew the attention of the House to the statement made by Mr. U. Kyaw Dun that the nominated members were the real representatives of the people and the backbone of democracy. He strongly criticised the statement made by Mr. Smyth that the Government was not responsible to the House for the Reserved half, and characterised, in view of that statement, the Home Member's asking the House to grant his demand as a mere farce. He asked the People's Party to follow the tactics of the Svarajists in the Assembly and fight in the Council until the goal was achieved, instead of walking out, as it was not in the best interests of the people whom they represented in the Council.

The debate had not concluded, when the Council adjourned till to-morrow.

#### Debate on Simon Commission.

On the 24TH FEBRUARY the People's Party again walked out of the Council at the commencement of the discussion of the motion of confidence in the Simon Commission.

At 4-30 P. m., the President asked Mr. U. Kyaw Dun to move his motion on the Simon Commission.

Mr. U. Pu, Leader of the People's Party, rose to a point of order, and wanted to offer a personal explanation. But he was ruled out by the President on the ground that he was dwelling on the general policy of his Party and speaking on the motion before it was moved.

Mr. U. Pu, in the course of his speech, declared that his party would have nothing to do with the Simon Commission.

Mr. Tharrawady U. Pu, Deputy Leader of the People's Party, also rose to a point of order but was disallowed by the President.

Mr. U. Pu left the House, followed by his party members, amidst cries from the People's Party "Let us leave the House," "Do what you like," and cries of "order, order" from the other side.

Mr. Kyaw Dun, member of the Independent Party, then moved the following resolution:—

"This Council has full confidence in the Statutory Commission, and resolves to co-operate with it."

Mr. O. H. Champagnuao, (Anglo-Indian representative), supporting the motion criticised the People's Party for imitating the actions of a section of Indian politicians. He deplored the policy of the People's Party, which he characterised as unstatesmanlike. He thought of the majority of Burmans outside the Council, and said that Burma had nothing to lose, but everything to gain by co-operating with the Commission.

Mr. Saw Hla Aung (Burman Independent) did not agree with the first part of the motion, but agreed to give evidence before the Commission.

Dr. Ba Yin, Education Minister, opined that they should always try to get what they could, and said that neither he nor his constituency could agree to the barren policy of boycott.

Mr. U. San Fe, Mr. U. Tha Zan and Mr. U. Po Shein supported the motion, and criticised the People's Party.

The Finance Member protested against the discourtesy to the Chair and the House, shown by the members of the People's Party by their leaving the House in an unmannerly fashion.

Explaining the position, he said that on the 16th January, Mr. Tharawaddy U. Pu gave notice of a resolution expressing dissatisfaction with the Simon Commission, but that resolution did not survive the ballot. On the 16th February, the same member gave notice of a cut in the budget to discuss the reforms including the Simon Commission, and on the 22nd February the President informed that the discussion on that cut could not be allowed, there being no provision for the Commission in the budget.

After consultation with His Excellency, the President intimated to the House on the 22nd that His Excellency the Governor had consented to admit the motion on the Commission. Friday the 24th having been fixed for discussion, the President invited submission of notice of motions on that subject. As the leader of the People's Party objected, the President offered to him postponement of the debate to Monday next, but that offer was refused. The People's Party had a month's time to prepare their speech, and the objection put forward by the Leader of that Party, he was sure, would not carry weight with any member of the House. In conclusion, he reiterated his protest at the conduct of the People's Party.

The motion was passed without any dissentient voice.

## Discussion on Budget.

Earlier in the day, the unfinished debate of Mr. Munshi's nominal cut, moved yesterday being resumed, the Home Member in the course of his reply, referring to the attack made on the Ministers from time to time, said that His Excellency the Governor appointed the best Minister he was able to get, and if the Opposition wanted to pass a vote of censure on the Ministers, they could bring a motion of no-confidence. Concluding, he said, the mover had given a lot of advice, and assured him that he would take his admonitions to heart.

The motion was then withdrawn.

Another cut moved by a member of the Independent and Golden Valley Party raised a discussion on the abolition of the post of Commissioners and it was supported among others by members of the People's Party.

After discussion, practically for the whole of the day, the cut was pressed to a division, and carried. The Council then adjourned.

On the 25TH FEBRUARY the members of the People's Party, who walked out yesterday, were present but they were only few in numbers.

After interpellations, Mr. S. Tyabji, Member, People's Party, wanted to make a statement complaining about the attack made yesterday on his party during the debate on the Simon Commission motion in their absence from the House. But he was ruled out of order by the President.

Mr. Tyabji remarked that the Opposition expected that the party would be protected by the Chair in their absence.

The President said that the remark was a personal reflection on the Chair, and cries of "withdraw" arose from official benches.

Eight cuts under various heads in the Home Member's demands for grants were disposed of to-day, two being lost and the rest withdrawn.

Another cut was under discussion, when the clock struck 5 p.m., and the President stopped further discussion, and applied guillotine to all the motions for grants.

The Home Member's demand for Rs. 3,54,12,440 for his department, the Forest Minister's demand for Rs. 2,66,16,590 and the Education Minister's demand for Rs. 2,27,34,440 were passed.

Several additional and supplementary grants were also passed. The Council then adjourned.

## Budget Session Concluded.

On the 27TH FEBRUARY the Council concluded its Budget session. After the transaction of some official business the Council was prorogued. The Fisheries Amendment Bill and the Burma Betting Tax Bill were passed without any discussion.

# The B. & O. Legislative Council.

The Bihar and Orissa Legislative Council commenced its winter session at Patna on the 16TH JANUARY 1928.

In pursuance of the Congress resolution, members belonging to the Congress Party in the Council put in their appearance just as the Council met, but after a short while, began to walk out one by one. Thus, by the time the new nominated members had finished their oath-taking, all the Congress benches became empty. The members of the Independent Congress Party including Messrs. Jagatnarain Lal, Devaki Prasad Sinha and others however remained, and took part in the proceedings.

After interpellations, the House proceeded to discuss resolutions.

The first resolution stood in the name of Mr. Mahomed Ishaque recommending that the Urdu script be made optional in the courts of the province. But he, being a member of the Congress Party, was not there to move it; but a similar resolution stood in the name of a non-Congress member, Mr. Mahomed Hussain, who however moved it, with the difference that he recommended the introduction of Urdu as an optional court-script in the three divisions of Tirhut, Patna and Bhagalpur only.

There was a long discussion on this motion. The mover made it clear, at the outset, that it was not on any sentimental ground that he recommended the resolution for their acceptance. It was because the Mussalmans in the province felt a genuine grievance that they were not allowed to transact their court business in the Urdu script. The grounds of administrative and financial difficulties urged against the resolution, were absolutely baseless.

Mr. Mubarak Ali referred to the statistics of students offering Urdu as their vernacular at the different University examinations, to show that a large number of the people studied Urdu, and therefore there was no administrative difficulty involved in this matter.

It was urged by some of the supporters of the resolution that Urdu was more scientific than Hindi.

The Leader of the House declared on behalf of the Government that the Government would remain neutral on this question. The Government members would not therefore vote on the resolution; and it was for non-official members to express themselves one way or the other on it.

Mr. Devaki Prasad Sinha condemned the neutral attitude of the Government as timid and imbecile. He thought that the matter might have been settled at a private meeting of the members. He thought that administrative and financial difficulties were great. He appealed to the mover to postpone consideration of the question.

The motion was put to vote and carried by 14 to 12.

Efforts were made during the interval to persuade the mover and other Mussalman members to agree to the withdrawal of the resolution at present, in view of the question coming up before the Round-Table Conference, convened by Mr. Sachidanand Sinha, but unsuccessfully.

Another resolution discussed to-day was moved by Mr. Srinandan Prasad Singh recommending that no restriction be imposed upon local bodies as regards the numbers of upper primary schools maintained by them.

The resolution was withdrawn in view of the assurance given by the Minister of Education to sympathetically consider the question of the extension of primary education.

On the 17TH JANUARY the Swarajist members were again conspicuous by their absence although they were frequently noticed outside the chamber. In consequence, many of the resolutions on the order paper were not moved.

A resolution was moved by Mr. Devaki Prasad Sinha, urging that immediate steps should be taken to improve the pay, prospects and status of the Subordinate



Civil Service, with a view to its total amalgamation with the Bihar and Orissa Provincial Executive Service.

#### Agricultural Indebtedness.

Another resolution moved by Mr. Mobarak Ali urged the Government to take immediate steps towards the reduction of agricultural indebtedness, and to establish Land Mortgage banks to provide the agriculturists with loans on long and easy terms.

After discussion, both the resolutions were withdrawn, in view of the sympathetic assurance given on behalf of the Government. With regard to the first resolution, it was stated on behalf of the Government that the memorial submitted by the Sub-Deputy Collectors would receive the best consideration.

With regard to the record resolution, the Education Minister suggested to the mover not to press the resolution, as he was already considering the matter and thinking of taking steps in the direction indicated.

On the 18TH JANUARY the Council held a very short sitting. Owing to the absence of the Swarajist members, a number of resolutions standing in their names were not moved.

The resolution of Mr. Mubarak Ali for the grant of more facilities to the candidates for the pleadership examination, was discussed and ultimately withdrawn.

#### Swarajists Oppose Mining Bill.

On the 20TH JANUARY the Government Bill to offer facilities for the expansion of the mining industry was referred to a select committee. Swarajist members participated, and opposed the measure. The Council then adjourned till February 13, when the budget was presented.

#### The Financial Statement for 1928-29.

On the 13TH FEBRUARY in introducing the budget for 1928-29 the Hon. Maharaja Bahadur of Dumraon, Finance Member said:—"When I presented the budget 12 months ago, it was anticipated that we should open the current year with a balance of one crore 82 lakhs and 80 thousands of which 66 lakhs and 3 thousand would be the balance of famine insurance fund and the rest would be available for general purposes. When accounts for 1926-27 were finally made up, it was found that our revenue was 1 lakh and 68 thousand more and our expenditure 8 lakhs and 87 thousand less than we expected. It is not only infrequently cast in the teeth of finance department that it habitually under-estimates revenue and over-estimates expenditure. Exactitude is unattainable and it is well that error should be on the right side. I can only tell the Council that I should be sorry to be a member in charge of a department which exhibited contrary tendency. On the present occasion our excess of revenue was due entirely to an excess under irrigation. For appropriation purposes working expenses of the Irrigation Department are treated as reductions from revenue under this one head but at the end of the year charges for establishment and tools and plant are distributed proportionately to the works expenditure among various major irrigation heads on the expenditure side. The result of this is that eventually there is always an excess of revenue over excesses under certain of irrigation expenditure heads. On the present occasion excess of revenue under irrigation was neutralised to the extent of 2 lakhs of rupees by an unexpected falling off of revenue under "miscellaneous unclaimed deposits."

On expenditure side over 4 lakhs of rupees lapsed under civil works and nearly 3 lakhs under public health. There were lapses of over a lakh under medical and superannuation and under loans and advances by the provincial Government. Reasons for these lapses will no doubt be scrutinised in due course by the Public Accounts Committee. The net result of these excesses of revenue and savings in expenditure was that we started the current year with the opening balance of 1 crore 93 lakhs and 35 thousand of which 65 lakhs and 31 thousand were in Famine Insurance Fund. I must next refer to difference between original and revised estimates of the year 1927-28 which is drawing to its close. We estimate now that our year will be 5 crores 65 lakhs and 36 thousand or 2 lakhs and

6 thousand less than were expected. This is more than accounted for by the fact that excise revenue is down by  $2\frac{1}{2}$  lakhs. Drought in Bihar floods in Orissa and stagnation in coal industry and failure of lac crop in Chota Nagpur have all contributed to this result. This is our principal expending source of revenue and if it has ceased to expend the warning must not go unheeded. On the other hand, we now anticipate that our total expenditure charged to revenue will be 6 and one fourth lakhs less than we expected 12 months ago. As usual largest saving (of 2 lakhs and 87 thousand) occur under civil work. This is due to progress on various works under construction being slower than had been hoped. What is not spent this year will have to be carried forward next year for "works in progress." There have also been excesses of 66 thousand under education and 1 lakh 29 thousand under irrigation chiefly for repair of flood damage in Orissa for which supplementary demands had been voted by the Council.

The net result of all this is that we expect to start next year with an opening balance of 1 crore 65 lakhs and 51 thousand of which 69 lakhs and 40 thousand will be balance of famine insurance fund and balance of 96 lakhs and 11 thousand will be available for general purposes. The total revenue which we expect to receive in 1928-29 is 5 crores 74 lakhs and 37 thousand. This is about 9 lakhs above the revised estimate of the current year but increase is due chiefly to recent instruction of the auditor general in accordance with which a number of items of receipt which used to be taken in deduction of expenditure are with effect from the next year to be treated as revenue. This accounts for increases under land revenue and industries.

In dealing with our expenditure I propose to deal separately with those charges to which we are already committed and those which represent new expenditure. The former class of expenditure I shall refer to as "1st edition" and the latter as "2nd edition" expenditure because it is only at the second stage of preparation of budget that any new expenditure is included in it. The 1st edition expenditure debitable to revenue amounts to 5 crores 72 lakhs and 27 thousand and other expenditure to 20 lakhs and 42 thousand. Total 5 crores 92 lakhs and 69 thousand. Minimum ordinary closing balance that we consider it proper to maintain is about 75 lakhs which is something less than two months' average expenditure. Last year it is true that we budgeted for a lower sum but we were monetarily expecting an alteration to be made in rules relating to famine insurance fund which would have released a large sum from the fund to our general balance. That alteration was not made. It is still however possible that rules will be altered and our minimum balance in the fund considerably reduced. But this will now have to wait till next year's budget. Our closing balance being fixed it is possible to arrive at the sum of money available for new schemes. This figure is approximately 20 lakhs. Of this 3 lakhs have in the first place been set aside for unforeseen demands arising during the course of the year. The most important and difficult point to decide with regard to the disposal of remainder is how much of it should be utilised for recurring expenditure. Our revenue for 1928-29 being 5 crores 74 lakhs and 37 thousand and our first edition expenditure debitable to revenue 5 crores 72 lakhs and 27 thousand. It is evident that unless there is some fact to be considered which does not appear on surface, there is very little scope for increasing our recurring commitments. Balance of our resources and commitments is fairly shown by relation between our anticipated revenue and our first edition expenditure of 1928-29. If our revenue is likely to increase so also our expenditure without any further specific additions to it on our part. Margin of safety of our normal revenue over our normal expenditure is therefore very small.

While our excise revenue was increasing by half a crore we were increasing our recurring expenditure also by half a crore. Days when we could do that kind of thing are gone. Until some radical change occurs in our position we shall have to restrict our fresh recurring commitments within very narrowed limits. After most anxious consideration I consider that an ultimate extra recurring liability of 79 thousand marks the very limit up to which it is safe for us to go this year. This will involve recurring expenditure next year of 73 thousand,

A sum of 15 lakhs and 97 thousand had been set aside for non-recurring expenditure on principle. I am painfully conscious of the fact that this budget is bound to be disappointing to the council and more particularly to my friends, the Honourable Ministers.

On the 14TH FEBRUARY the Swarajist members attended the Council and used their weight in refusing reference of the Bihar and Orissa Mica Bill, an official measure, to the Select Committee.

The consideration of the non-official Bill piloted by Khan Bahadur Mahomed Naim, seeking to introduce separate electorates for the Mussalmans for the District Board elections and a statutory minimum of 25 per cent seats for the Mussalmans, was postponed till the August session of the Council.

#### Moslems and Local Bodies.

The Khan Bahadur, in moving the reference of his Bill to amend the Local Self-Government Act to the Select Committee, said: The last District Board elections had resulted practically in the non-representation of the Mussalmans. The elections in 27 District Boards had gone without any Moslem representation. He pointed out that Moslem interests had suffered immensely through the present arrangement of joint electorates in the District Board elections. Moslem feeling on the question was very strong and he, therefore, urged that proper adequate Moslem representation could only be secured through separate electorates.

The Hon. Mr. Ganesh Dutta Singh, Minister for Local Self-Government, replying on behalf of Government, stated that the opinion of the country on the question of electorates was sharply divided and even among the Mussalmans there was no unanimity on the question. The question of minority representation would soon be engaging the attention of the Statutory Commission and was already engaging the attention of the All-India political leaders and it would not, therefore, be desirable for this Council to commit itself one way or the other at this stage. The next District Board elections would not take place before 1929 and hence he thought there was no harm if the Bill was postponed till the next session of the Council. He was aware that the result of the last two elections was unfavourable to the Mussalmans. He was of opinion that the fixing of seats on a uniform basis for all the districts could not be justified. He stated that Government would be prepared to support reference of the Bill to the Select Committee, but their future attitude towards the Bill would depend upon the form in which the Bill would emerge from the Select Committee.

The mover agreeing, the Bill was postponed till the August session.

#### Mica Bill.

The Hon. Mr. Sifton moved that the Bihar and Orissa Mica Bill be referred to the Select Committee. Mr. Sifton explained at length the necessity of the legislation.

Messrs. Ram Dayalu Sinha and Nirsu Narayan Singh (Swarajists) protested against a remark made by the Hon Mr. Berthoud, Commissioner of Excise and Salt in the memorandum of opinion collected on the Bill, as in their opinion it meant a reflection on the Council. The remark against which objection was taken ran: "I do not believe that the Bill will pass through the Council owing to the fact that the vast majority of firms, and individuals engaged in the Mica trade are interested in stolen Mica." The Swarajist members insisted that the remark should be withdrawn.

The Hon Mr. Sifton, the leader of the House, explained that it was printed through a mere accident and as soon as he had seen it he gave instructions that it should be removed.

Government motion for the reference of the Mica Bill to a Select Committee was rejected by 42 votes to 28. The Council then adjourned till the 21st February when a general discussion on the Budget was held.

(FOR FURTHER PROCEEDINGS SEE VOL. II.)

# The League Against Imperialism.

BRUSSELS—9, 10, 11, DECEMBER 1927.

The General Council of the League against Imperialism in a Conference at Brussels on the 9th, 10th and 11th December 1927, pointing out the imperialist oppression by Britain, France and America in the different countries of the world and urging the workers of both imperialist and colonial countries to unite themselves in a common fight against Imperialism, resolved "to create a powerful organisation of the League Council embracing militant mass organisations in the imperialist and colonial countries to face the offensive of imperialism".

The hypocrisy of the so-called Labour sympathy with the peoples who are struggling for freedom are mercilessly exposed. The League sounds a timely warning to the oppressed workers to guard against the bourgeois tendency to create division among nationalist ranks.

In another resolution on the "War Danger" the Council appreciates Soviet's great gesture at Geneva of total Disarmament by land, sea and air and on the contrary, declares the big Powers' negotiations on disarmament as an impudent fraud. Imperialism is made synonymous with war, the peril of which is constantly present. The fratricidal massacres can be stopped only by the strong alliance of workers of imperialist countries with those of the colonies.

The following in the full text of the resolutions that were passed by the League and is reproduced from "Forward" of Calcutta :—

## Help the Chinese Revolt.

The General Council of the League against Imperialism considering the following facts passed a political resolution :—

(1). Since the Brussels Congress of the League, the imperialist policy in the colonies has become increasingly aggressive. In a number of oppressed countries the movement for national freedom has suffered defeats in the face of formidable imperialist attack. French imperialism has crushed the revolt in Morocco and Syria. The American army and navy have helped reaction to gain supremacy over the democratic forces in Nicaragua reducing it to the status of a veritable colony. In all the other Latin American countries, United States imperialism supports reactionary Governments against the will of the democratic masses. The insurrections in Java and Sumatra have been defeated by brutal measures of repression. Dutch imperialism has introduced a veritable reign of terror in Indonesia. Even the Chinese revolution has met a setback, mainly owing to the concentrated efforts of all the imperialist powers. Finally, British imperialism has thrown down a most insolent challenge to the Indian nationalist movement by refusing the Indian people the most elementary rights of self-determination.

In this situation the task of the League is to intensify its activities with the object of mobilising in a world-wide resistance to imperialist offensive, all the revolutionary forces fighting for freedom and democracy in the oppressed colonial countries. The heroic efforts of the oppressed peoples to free themselves can be frustrated by imperialism if they are not united and are not fully and effectively supported by the toiling masses in the imperialist countries. The gigantic upheaval of the Chinese people, which has dealt a severe blow to the power and prestige of imperialism in the Far East, enlisted the sympathy of the toiling masses in

the imperialist countries, but the sympathy could not find a sufficiently effective expression in action to prevent imperialist intervention in China.

### Labour's Hypocrisy.

(2). The reformist and social democratic leaders of the Labour movement in the imperialist countries are largely responsible for the insufficient action of the proletariat in the imperialist countries to assist effectively the struggle for national freedom in the colonies. These leaders not only sabotaged the action of the proletariat in support of revolutionary movements in the colonies, they actually endorse the imperialist policy of colonial exploitation. They fully believe in the imperialist doctrines of the "white man's burden," "civilising mission" etc. The official policy of the Socialist International and of the International Federation of Trade Unions (Amsterdam) as regards imperialist intervention in China, for example, was to make a hypocritical protest while agreeing with the imperialist Government on the necessity of taking measures "to protect foreign lives and property in China."

The General Council of the League, which has on it a number of representatives of the revolutionary sections of the political and industrial labour movement in the imperialist countries is of the opinion that the official policy of the Socialist and Amsterdam Internationals as regards imperialism does not correspond with the interests of the proletariat masses in the imperialist countries.

There was a time when a small part of the super profit derived from colonial exploitation could be devoted to create imperialist prejudice among the home proletariat. The situation has radically changed. From this period of capitalist decline the super profit derived from colonial exploitation must be increased by intensified exploitation and is badly needed for the stabilisation of capitalism at home. Thus colonial exploitation is an indispensable method of capitalist rationalisation having an adverse influence upon the economic conditions of the whole proletariat. By exploiting more intensively the cheap colonial labour through industrialisation, imperialism seeks to lower the standard of living of the home proletariat.

In these conditions the interests of the proletariat in the imperialist countries demand an end of colonial exploitation. And colonial exploitation cannot cease to have an adverse effect upon the economic conditions of the home proletariat, unless the oppressed peoples become completely free. The League, therefore, must explain the situation to the toiling masses in order to mobilise them in a real struggle against imperialism in conjunction with the oppressed peoples. It must be explained to the masses that the social democratic theory of helping the backward races to advance gradually on the road to self-determination is a direct aid to imperialism and therefore detrimental to the interests of the home proletariat.

### Need of Uniting the Workers.

(3). Since its formation the League had done considerable work of agitation and propaganda. The call of the League has found a response in the colonial countries. A certain amount of sympathy for the League has also been aroused in the imperialist countries. To give definite organisational shape to these preliminary achievements is the task of the League in the immediate future. The League must penetrate proletarian mass organisations in the imperialist countries. In the colonial countries it must base itself upon all the social classes that are prepared to carry on a real struggle against imperialism for national freedom. While endeavouring to mobilise all available forces in a joint struggle against imperialism, the differentiation inside the nationalist movement in the colonies should be noted. As the movement for freedom inevitably develops revolutionary social aspects (liquidation of feudalism and other forms of native reaction), the upper strata of the colonial population leaves the movement and tends to a compromise with imperialism. This process of class-differentiation greatly helps imperialism in its fight against the Chinese revolution. As the national revolution developed, the feudal bourgeois elements left the nationalist ranks and allied themselves with imperialism against the revolution. Finally, the Kuo-Min-Tang as a whole betrayed the national revolution. A similar

process is to be expected in other colonial countries also. In India the land-owning class and the big bourgeoisie are willing to compromise with the British imperialists in return for some concessions on the part of the latter. These elements weaken the nationalist movement by creating the illusion that national freedom is possible inside the British Empire. While supporting and organising every form of resistance to imperialist domination, the League must base itself primarily on those classes that must conduct a revolutionary struggle for complete national freedom, namely the workers, peasants and the democratic petty bourgeois masses.

#### Conflict of Imperialist Interests.

(4). As regards the right of exploiting the so-called backward races, all the imperialist powers are united, but the rivalry of particular interests creates conflicts between imperialist governments. This conflict can be often utilised to promote the cause of freedom of this or that colonial people. But the League is of the opinion that under no circumstances should this tactical policy be adopted at the sacrifice of the struggle against imperialism as such. The League must also support the semi-colonial states, for example, of Central and South America (Mexico, Nicaragua etc.) to their resistance to the aggression of the great imperialist powers.

(5). Finally, the General Council of the League is of the opinion that the set-backs suffered by the movement for freedom in a number of colonial countries do not provide reason for pessimism. On the contrary, they impose upon the League the great responsibility of organising active support for those peoples who are bearing the brunt of imperialist attack and terror. For example, the debacle of the Kuo-Min-Tang has left the workers and peasant masses alone in the struggle for national liberation. They are faced with a formidable counter-revolutionary united front of the imperialists, militarists, native feudal reaction and the renegade bourgeoisie. The Chinese people need international support more urgently than ever. The League must undertake to organise this support for the Chinese revolution.

The General Council resolves to create a powerful organisation of the League embracing militant mass organisations in the imperialist and colonial countries to face the offensive of imperialism.

#### Resolution on "War Danger".

In the same meeting of the League Council the following resolution on the "War Danger" was passed:—

The General Council of the League against Imperialism and Colonial Oppression records its appreciation of the great gesture for peace made by the Soviet Delegation at the Disarmament Conference at Geneva, in its proposals for total Disarmament by land, sea and air. The Council considers this proposal the more significant, because it is in striking contrast with the public announcement made a few days later by President Coolidge on behalf of American imperialism, as it were in reply to the Soviet Republic's proposal for complete disarmament, that the piling up of armaments by the U. S. A. would continue under the guise of safeguarding "national security." Similar statements were also made by British Ministers.

Nor are these mere empty boasts. In America and Britain, first and foremost, and in every other capitalist country also, the burden of expenditure on armaments grows greater every year; and the productive forces of society are diverted more and more from constructive to destructive ends. Year after year sees the invention and mass production of more and more hideous and costly means of destruction—tanks, big guns, air bombs, poison gas etc. Simultaneously the moral and ideological preparations for war are being intensified, by propaganda through the schools, the press, the film, military displays etc. to cast a false halo around militarism, navalism and imperialism.

The Lithuanian-Polish crisis, the constant friction between Fascist Italy and her neighbours, above all, the constant provocation offered to the Union of Soviet Socialist Republics by hostile acts which, in other circumstances, would inevitably entail war (the attacks on Soviet consulates and officials in particular),

demonstrate how powerful are the forces making for war and how everpresent is its danger. But these and similar incidents are only the pretext, not the cause of war, just as the monstrous growth of armaments is only a visible proof of the peril, not an explanation of its cause.

### International Antagonism.

The war peril is growing once more because the robber imperialist powers are once more finding themselves locked in conflict throughout the world, first of all over the redistribution of the right to oppress the colonial peoples and subject races, to monopolise colonial markets and sources of raw materials, to swell super-profits out of cheap colonial labour. The struggle between British and American imperialism over the right to exploit China, Central and South America and the peoples of Eastern Europe; the struggle between French and Italian imperialism over the economic control of the Mediterranean shores and between French and British imperialism over the right to exploit Syria, Palestine, Arabia and the Near East generally—these are typical of the fatal internal antagonism of imperialism which show themselves, now here, now there, but always and everywhere bring the peril a step closer.

Even those antagonisms, however, are temporarily reconciled whenever the imperialist world as a whole finds itself face to face with the Union of Soviet Socialist Republics, the first great challenge to world imperialism. The U.S.S.R. does not depend for its existence on the subjection and exploitation of colonial peoples, since the power of the imperialist bourgeoisie who formerly ruled Tsarist Russia has been utterly destroyed. Consequently the U.S.S.R. is the only power which could come to Geneva with a genuine and practical scheme for disarmament.

On the other hand, the very existence of the U.S.S.R. is a standing encouragement of the oppressed colonial peoples, and therefore an object of perpetual and increasing hostility to the imperialists of all countries. Military, diplomatic and moral preparations for war on the U.S.S.R. have been pushed ahead by British imperialism in particular, ever since its present Conservative Government came to office, and the rupture of diplomatic relations in May, 1927, was an important step forward towards this object.

The bloody intervention of British imperialism in China, during 1927 and the heavy temporary defeat it has inflicted upon the Chinese revolution both directly and through its agents, the Northern and the Kuo-Min-Tang's militarists, are a further measure of the fact that war to-day is inseparable from imperialism. The revolt of the 400 millions of the Chinese people, in which the exploited masses—the working class and the peasantry—were playing an increasingly active part, was encouraging similar movements for national liberation in all oppressed countries. And for this very reason British imperialism, supported more or less actively by Japanese, French and American imperialism, was determined not only to destroy it by force of arms, but to launch an attack, if necessary, upon the Soviet Union also, as the ally, guide and champion of revolutionary China.

### Talk of Disarmament is a Fraud.

The League against Imperialism and Colonial Oppression calls upon the toilers and the exploited of the whole world to realise that, so long as imperialism lasts, so long will new bloody catastrophes menace the peace of the world and the lives of millions. So long as a few robber cliques of financiers can continue to appropriate and monopolise the exploitation of natural resources, of human labour, of the ordinary requirements of existence, so long will they continue the struggle over these privileges as the price of countless lives, endless suffering, boundless destruction. In these wars it is upon the colonial people that falls the main burden of suffering, of material loss, and of human wastage of human life. Their countries become the theatre of military operations, their manhood becomes cannon fodder in the war to rivet the chains of imperialist slavery still more firmly on their own bodies. Therefore, it is to the special interest of the colonial peoples to fight against the war danger and, in the event of imperialist wars breaking out, to refuse to aid or participate in them. The League declares that all the imperialist talk of disarmament and of security are an impudent fraud,

since they continue to rely upon arms to shoot down their own workers and colonial slaves, and the only security they conceive of is security for their profits at the price of the misery and the destruction of human race.

The League calls upon the workers of the imperialist countries, in particular, to realise that in a close, fraternal and effective alliance with oppressed peoples for the overthrow and destruction of imperialism lies the only hope for the salvation of mankind from new fratricidal massacres.

### Resolution on China.

Following is the text of the resolution of the League on the Chinese question :—

After hearing the reports of the delegates from the All-China Labour Federation, from the peasants' unions as well as of several other Chinese comrades, who have until recently been official representatives of the Kuomintang in Europe and America, the General Council of the League against Imperialism makes the following declarations :—

(1) Imperialist intervention and the betrayal of the native bourgeoisie have dealt a series of defeats to the national revolution in China.

(2) The official policy of the Second International and the International Federation of Trade Unions (Amsterdam) as regards the Chinese revolution is a flagrant violation of the principle of self-determination and a direct support for imperialist intervention.

(3) In spite of imperialist and militarist terror, the Chinese working class stands firmly and loyally on the road to revolution. The fascist unions set up in Shanghai by the militarists and the renegade nationalist bourgeoisie do not have the support of the proletarian masses who are behind the All-China Labour Federation.

(4) The national revolution not only weakened the position of foreign imperialism but also threatened to liquidate native reaction (feudalism) as the means to the democratisation of the political and economic life of the people. In view of this, the reactionary feudal bourgeois elements left the nationalist front and began a fierce attack upon the workers' and peasants' movement. After a period of vacillation between revolution and counter-revolution, the Kuomintang as a whole finally betrayed the national revolution. The Kuomintang has surrendered itself to the feudal militarists and frankly repudiated its own ideals and programme. The workers and peasant masses had suffered and sacrificed so heroically for the national revolution and had stood loyally by the Kuomintang, while under the fire of imperialist guns the feudal bourgeois element deserted it. Now in the territories of the Kuomintang there is a reign of terror. Workers and peasants are massacred in thousands. The Kuomintang flag is soiled with the blood of the working class. The Kuomintang has abandoned the struggle against imperialism and has undertaken task of crushing the revolution. Consequently it has become an instrument of imperialism. The national revolution can no longer develop under the Kuomintang flag. As a matter of fact, having betrayed its own ideals and programme, the Kuomintang has destroyed itself. It is broken up into warring groups with only one thing in common, namely, hatred for the workers and peasants who stand true to the cause of democratic national freedom.

(5) Foreign imperialism, native reaction and the renegade nationalist bourgeoisie have made a united front against the Chinese revolution. Over 90 per cent of the population of China belong to the exploited classes. They must continue the struggle against imperialist oppression and native reaction. More than ever they are in need of support from the toiling masses in the imperialist countries and revolutionary democratic movements in the colonial countries. They must organise their support and help the Chinese masses to overthrow imperialism and destroy native reaction in spite of the treachery of the Second International and the debacle of the Kuomintang.

### Resolution on Persia.

The Socialist Party and the Republican Revolutionary Parties of Persia



submit the following resolution concerning the general situation in Persia to the General Council of the League against Imperialism :—

- (1) Abolition of all unequal treaties.
  - (2) All secret agreements by an imperialist government which might harm the independence of Persia will not be recognised.
  - (3) To break the chain of exploitation of the foreign capitalists, who due to the unequal treaties, are able to exploit the Persian workers.
  - (4) To call to the proletariat of the world to come in an effective manner to the aid of the Persian workers who are exploited in the most ferocious manner in the workshops and above all in the petroleum concessions of the Anglo-Persian Company.
  - (5) We ask the League to intervene through the members of the English Parliament—we are in a position to make a protest—against the four demands which the Government of Great Britain addressed to Persia and which constitutes in our eyes a flagrant violation of the independence of this country.
- This to remind you of these demands :—
- (a) Recognition of the Persian debts which are not at all justified.
  - (b) Establishment of air lines between the central regions of Persia and the Persian Gulf.
  - (c) Recognition of the Government of Irak.
  - (d) Re-establishment of Sheikh Khazaal.

#### Resolution on Indonesia.

The text of the League's resolution on Indonesia runs as follows :—

The General Council of the League against Imperialism and for National Independence held on December 9th, 10th and 11th, 1927 at Brussels, having heard the report of the Indonesian delegation concerning the conditions in Indonesia, protests energetically against

- (1) the mass arrests and deportations of Indonesian fighters for freedom without any trial ;
- (2) the arrest of the leading members of the Perhimpoean Indonesia who are kept in prison for more than three months ;—

Decide support with all strength the Indonesian liberating movement ; and

Appeals to the Dutch proletariat to strengthen the power of the Indonesian movement for freedom which is labouring under regime of ruthless oppression, by rallying to the Dutch Section of the League to which the Perhimpoean Indonesia representing the Indonesian emancipation movement is affiliated.

#### Résolution on the Philippines.

The Philippines delegate, realising that another world war is inevitable and is likely to be fought in the Pacific, at the expense of the workers of the world in general and the workers and oppressed peoples of the Pacific in particular, submits the following resolution :

- (1) That the General Council shall instruct the Executive Committee to devise ways and means by which the workers of the North and South American countries, the workers and nationalists of Indonesia and China, and the workers and nationalists of the Philippines could come into close connection, so as to help one another

(a) in the event of an imperialist country trying to suppress by force any national movement ; or

(b) in the event of an imperialist country attempting to use force behind its concessions and investments or

(c) in the event of an imperialist country trying to use the workers to fight for its own creed and profits.

- (2) That the General Council shall instruct the Executive Committee to establish a branch of the League in the Philippines, the function of which shall be

(a) to win by all means the Philippine nationalists and workers into the League ;

(b) to keep reminding them that to win back their freedom they should use force with the help of all workers throughout the world ;

(c) to keep the Executive Committee informed of the Philippine situation in order that, in the event of a Philippine revolt against American imperialism, the Executive Committee could give immediate instructions to the different secretariats throughout the world as to the method to be used in helping the Philippine revolution to a successful end.

### Resolution on India.

The text of the League's resolution on India runs as follows :

The General Council of the League against Imperialism declare its complete solidarity with the Indian people in the latter's opposition to the British Government's proposal of a Commission of the British Parliament to investigate India's fitness for self-government.

The appointment of this Commission of the exploiters to grant "reforms" to the peoples whom they exploit is nothing but an impudent farce, and the General Council heartily supports the Indian national movement's resolve to boycott the Commission.

The General Council notes with disgust that the British Labour Party leaders and Members of Parliament have made common cause with the British imperialists on this question, by supporting the Conservative Government's proposal of the Commission and by endorsing without any but the weakest support to Comrade Saklatvala in Parliament the participation of two Labour representatives.

The General Council declares that this open united front of the British capitalists and British Labour leaders in defence of British imperialism, which has no parallel since the black days of August 1914, is as harmful to the workers of the oppressed countries, since they are exploited by the same ruling class.

The League against Imperialism pledges the whole-hearted support of all its adherent organisations and sections to the Indian national movement in the struggle. At the same time it urges all genuine enemies of imperialist oppression in India to concentrate on rallying the masses around the positive slogan of complete independence for India—the sole real threat to the power of British imperialism—and on the election of a Constituent Assembly to consider the entire question of the political future of India, which should be prepared by the creation of local committees, mass demonstrations, and the widest possible participation of the masses of the people generally.

### League's Scheme of Work.

The League adopted the following resolution outlining a general scheme of their immediate future work :—

I.—Basis of Organisation:—All political organisations, all Parties, Trade-Union and persons who are fighting against capital-imperialist domination for the self-determination of all nations, for the national liberty of all people, for the equal rights of all races, classes and individuals, shall be allowed to affiliate to the League against Imperialism and for National Independence.

II.—Plan of Organisation:—(1) The Executive shall aim at the organising of each colonial and each capitalist country, so far as practicable, a Section of the League consisting of all organisations and individuals that endorse the policy of the League and affiliate to the Section.

(2) Taking into account the particular situation in each country, the Executive shall seek to obtain affiliation to the International League of all organisations, at the same time informing the National Section in question of the new affiliation.

(3) Wherever possible, the Executive shall encourage the holding of Conferences or Congresses by the National Sections or Group Conferences in which representatives of both the exploiting Empire and its exploited colonial peoples should participate.

III.—Immediate Organisational Steps:—(1) The Executive must publish regularly a News Bulletin in several languages to disseminate information about imperialist oppression and the activities of the League.

(2) The General Council empowers the Executive to explore the possibilities of publishing a monthly organ of the League. The organ should be a journal

dealing with imperialism, the attitude of various classes and parties in relation to it, colonial exploitation, all aspects of the struggle for freedom in the colonies, etc.

(3) National Sections of the League must be created and developed in the most important imperialist countries, namely England, France, and the United States. The main basis of the League should be secured by the affiliation of Parties, Sections of Parties, Trade-Unions and other organisations prepared to take an active part in the struggle against imperialism. To guarantee that the affiliated sections of the League will be live organisations, promoting the anti-imperialist struggle, they should be mainly upon the basis of dues paying individual membership.

(4) In the colonial countries, the League must seek the affiliation of the nationalistic organisations, and chiefly of the peasant and labour organisations.

(5) All affiliated organisations shall pay dues either to the national sections or to the Central Office of the League according to agreement reached between the League and its sections. The proportion of dues received by the sections and paid by them to the Central Office, shall be determined in each case by agreement between the Executive Committee and the section involved.

(6) The Executive should seek to secure the affiliation of all Trade-Unions, and particularly of the Pan-Pacific Trade Union Federation.

(7) The central apparatus of the League should be strengthened by the creation of an efficient secretariat. The Executive is empowered to decide which is the most suitable seat of the International Secretariat and how the efficiency of the Secretariat will be strengthened.

#### Protest Against Second International.

With reference to the document of October 7th 1927 published by the L. S. I. (Second International) purporting to be a "History of the League against Imperialism" and alleging that the League was nothing but a communist manoeuvre, the General Council of the League against Imperialism,

Protests emphatically against the publication of this misleading, unjustified and untrue document, which this General Council regards as a direct attack on the numerous nationalist organisations of the oppressed peoples, affiliated to the League, and on all revolutionary workers taking part in the work of the League;

Declares that by its action the Second International is violating the principles of Socialism and assisting the capitalist and the imperialist Governments, which are continually and everywhere arresting and condemning active nationalists for alleged "communist" activities, "relations with Moscow" etc; and

Urges all socialist workers, members of the parties affiliated to the Second International, to adhere to their socialist principles, to support by all means the struggle for freedom of their comrades in the oppressed countries, and consequently to disregard the attitude of the leaders of the Second International and to affiliate individually or by groups to the sections of the League in their particular country.

### The Executive Committee of the League.

Subsequently a meeting of the Executive Committee of the League against Imperialism was held in Brussels on April 28 under the chairmanship of the new President of the League, James Maxton, Chairman of the Independent Labour Party of Great Britain. Among those who were, besides Maxton (Great Britain): Edo Fimmen (Holland). Vice-President of the League and General Secretary of the International Transport Workers' Federation; Dr. A. Mateaux, (Belgium), S. Saklatvala, (Great Britain); Willi Munzenberg, (Germany); Hansia Liao (China); R. Bridgeman (Great Britain), Secretary of the British League against Imperialism; Abdur Manaf (Indonesia); Secretary of the Dutch League against Imperialism; and V. Chattopadhyaya (India).

The meeting of the Executive was devoted principally to organisational and financial questions concerning both the International Secretariat as well as the various sections of the League already existing in the capitalist countries.

The following resolutions were adopted by the Executive Committee :

## Resolutions.

The Executive Committee of the League against Imperialism regards the creation of strong mass organisations of the League in the capitalist countries as an essential precondition for an effective anti-imperialist movement in the whole world.

The Executive Committee receives with satisfaction the declaration made by the British Delegation under the leadership of James Maxton, that in Britain also the League will proceed to secure the recruitment of thousands of workers as members.

## Resolution on India.

The Executive Committee of the League against Imperialism congratulates the Indian National Congress on having declared the complete independence of India as the goal of Indian national movement, as all other formulae of so called "freedom within the Empires" are but camouflaged forms of foreign domination.

The Executive Committee further welcomes the fact that, as the logical outcome of that declaration, India has unanimously adopted a rigorous boycott of the Simon Commission, thereby emphatically denying the insolent claim of the British Parliament to frame or to decide upon a constitution for the people of India.

The Executive Committee hopes that the Indian National Congress will devote itself wholeheartedly to the task of organising the workers and peasants of India, without whose active co-operation for economic and social emancipation Indian independence cannot be secured.

The Executive Committee appeals to the British workers to realise the disastrous effect upon their own standards of life and trade-union rights of allowing imperialist exploitation in oriental countries, and calls upon the organised workers of Great Britain to take steps to secure that their representatives use their power in support of the unanimously expressed desires of the Indian people instead of aiding the imperialist manoeuvres of the British capitalist Government.

## Resolution on Egypt.

The Executive Committee of the League against Imperialism denounces the methods of violence and terror adopted by the British Government to prevent the Egyptian people from exercising their legitimate right of framing laws guaranteeing freedom of association.

The Executive Committee supports the people of Egypt wholeheartedly in their demand for complete independence, for the immediate withdrawal of all British troops from Egypt and the Sudan, and for the international recognition of Egypt as a sovereign state.

The Executive Committee takes this opportunity of warning the Egyptian people that these demands cannot be realised so long as they allow their affairs to be decided by statesmen whose economic and social interests do not coincide with those of the broad masses of the population.

The Executive Committee calls upon them to form a united front with all the other oppressed nations and classes of the world for the final overthrow of imperialism.

## Resolution on Arabia.

The Executive Committee of the League against Imperialism condemns the aggressive military operations conducted by the British Government against the Arabs, both on the borders of Aden in the South of Arabia and on the Iraq frontier in the North,—operations which were absolutely unprovoked and deliberately undertaken, in order to strengthen further the hold of British Imperialism on Iraq, Transjordan and the Persian Gulf.

It appeals to the national and Labour organisations in India to prevent by all means in their power the employment of Indian troops by the ruling class of Great Britain to destroy the independence of the Arab people.

The Executive Committee calls upon the organised workers of Great Britain to express their solidarity with the people of Arabian countries, by adopting all such measures as may compel the British Government to abandon its imperialist policy of exploitation, aggression and annexation, which has already brought untold sufferings to the millions in Asia and Africa, and constitutes a growing menace to the standard of life of the European working class.

## Resolution on China.

The Executive Committee of the League against Imperialism draws the attention of the workers of Great Britain, America and Japan to the determined imperialist policy pursued by their Governments in China, where they either undertake direct military attacks upon the people of China struggling for freedom, or where they carry out the recently inaugurated policy of backing up all the reactionary generals of the Kuomintang

to associate themselves with the campaign of murder and rapine and to adopt a provocative and aggressive policy in Manchuria against Soviet Russia.

As a result of this imperialist policy, leaders of the organised Chinese workers and peasants, who had taken refuge in the foreign concessions have been mercilessly handed over to the ornel Kuomintang generals who have tortured and killed them. They have further assisted these revolutionary generals to perpetrate wholesale massacres of the workers as, for instance, in Canton last December, when they killed more than 6,000 persons in three days.

Similar atrocities have been committed in Hunan, Hupeh, Kwangsi, and Honan. It is the confirmed opinion of this League that, unless the workers of Great Britain, America and Japan bring effective pressure upon their Governments to withdraw from China, these acts of cruelty and barbarism will continue.

Resolutions on Indonesia and Latin America were also adopted after which the League adjourned.

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## The Pan-Asiatic Conference.

Only one newspaper issued in the English language, and that a Chinese-owned paper, paid any attention to the second Pan-Asiatic Conference, which met in Shanghai in the first week of November 1927. "Whether the delegates were trying to avoid the American and British newspaper correspondents is not known but it is known that no American or Europeans succeeded in attending any of the session" writes the Special Correspondent of the "Manchester Guardian."

Therefore it is impossible to say whether the Conference amounted to little or much; whether it was simply another protest against the White man's activities in Asia, or whether it was the beginning of a movement which was ultimately to unite the races of Asia against the West. At any rate, the Pan-Asiatic Conference was held and was attended by some fifty-two delegates claiming to represent China, Japan, Turkestan, Turkey, Ceylon, Afghanistan, Formosa, and Arabia. The Filipinos were not represented, and the Koreans were barred owing to the opposition of the Japanese.

Judging from the reports of the Conference which appeared in the Chinese Press, the sessions were anything but harmonious, and shortly after the formal sessions were over, there appeared a statement in one of the Chinese papers that some Chinese organisations had passed resolutions condemning the meeting as "an attempt on the part of the Japanese to enslave the other Orientals." The first session had to be postponed for a week owing to the delay in the arrival of the Indian delegate, Mr. Pratap Singh-Khan, who came to Shanghai from his place of exile in Afghanistan by way of Japan in order to avoid coming in contact with the British authorities; he is stated to have landed at Woosung at the entrance to the Shanghai harbour where he was met by the Japanese delegates and brought to Shanghai, carefully avoiding the Shanghai foreign settlements.

The Japanese delegation, which was the most important and most numerous, was headed by Mr. Imasato, a member of Parliament and a follower of the late Count Okuma, who was the father of the "Asia for the Asiatics" movement and was responsible for the first Pan-Asiatic Conference, which was held in Nagasaki, Japan two years ago. The Pan-Asiatic Conference is generally supposed to have been promoted following the passage of the American immigration law barring Asiatics from admission and the passage of similar legislation by the British Dominions,

## Japanese "Aggression" Tackled.

The first element of discord at the Shanghai Conference developed when two Chinese delegates introduced a resolution demanding that the Japanese, "if they really are in earnest regarding the aims of the Pan-Asiatic Conference, should cease their aggressive attitude towards China and withdraw their troops from Manchuria." This motion was seconded by Mr. Pratap, the Indian delegate, and was carried, all the delegates voting for it with the exception of the Japanese. One of the Chinese delegates told the Japanese that while, as they claimed, it might not be the time and place to discuss the withdrawal of Japanese troops from China, if they were in accord with the spirit of Pan-Asianism they should set the example for the other nations by clearing their troops out of Manchuria and adopting a different attitude towards the Chinese people. Ultimately the Conference divided into three camps, the Chinese and Indians on one side, the Japanese on another and the other delegates taking a sort of neutral position.

At the second day's session, the Japanese delegation brought up three subjects for discussion: (1) that all measures taken with a view to racial discrimination should be abolished; (2) that all naval stations and bases at Singapore and Pearl Harbour, Honolulu, should be abolished to ensure peace in the Orient; (3) that the League of Nations appears to direct its attention chiefly towards the protection of the interests of the powerful nations only. Before these subjects could be discussed to any great extent, the Chinese delegates brought in four proposals as follows:—

1. That the delegates should do all within their power to help the Asiatic peoples to secure self-determination.

2. That the Japanese delegates should take steps to influence their Government (a) to discontinue territorial encroachments in Manchuria and Mongolia; (b) to agree to the immediate enforcement of China's tariff autonomy (c) to withdraw Japanese military and naval forces from China; (d) to conclude within six months a Sino-Japanese commercial treaty on a basis of equality; and (e) to grant home rule to the peoples of Formosa and Korea.

3. Should any member fail to take steps along these lines, the failure to do so would be sufficient to disqualify him for membership in the Pan-Asiatic Alliance.

4. That Senator Borah, Professor Bertrand Russell, and Leon Trotsky be invited to become honorary members of the Pan-Asiatic Alliance as a mark of appreciation.

## Next Session at Kabul in 1928.

The final session of the Conference proved to be the most harmonious, owing apparently to the fact that several social functions had been held which enabled the delegates to become better acquainted. After voting to hold the next session, in 1928, at Kabul, the Conference passed unanimously a series of resolutions recommending an Asiatic mission to Europe, Africa, America, and Australia, to convert the (White) natives of those continents; Asiatic co-operation "in defence against worldly aggression," the establishment of an All-Asia Educational Centre for literary, technical, and military training, the establishment of permanent headquarters within a year, and the immediate starting of a weekly news-paper, "preferably in English, or a page each in Chinese, Japanese, Urdu, Hindi, Persian, Turkish, Arabian and English."

# The International Labour Conference.

GENEVA—30TH MAY TO 16TH JUNE 1928.

The eleventh session of the International Labour Conference commenced at Geneva on the 30th May 1928 and continued till the 16th June. The Indian Workers' Delegation consisting of Dewan Chaman Lal, Mr. Mahbubul Huq, and Mr. P. C. Bose left the shore of India on the 5th of May 1928 and reached Marseilles on the 18th of the said month. The next day they reached Paris and Dewan Chaman Lal was sent at once to Geneva with his resolution on Police firing in India during strikes and lock-outs and Mr. Huq's resolutions on Recruitment of Seamen in Asia and Compilation of Labour Statistics for the whole of India so that they may be placed in the International Labour Office in time. Mr. Chamanlal then returned to Paris and the workers' representatives almost daily met there for joint consultation and collaboration regarding their mission to Geneva. The delegation came to Geneva on the 29th May and began their work in the Conference in right earnest. Mr. Bekhle, Asst. Secretary, All-India Trade Union, selected by the Government of India as Secretary of the Workers' group, arrived at Geneva three days after the opening of the Conference.

On the opening day i.e. 30TH MAY 1928, after the election of the President of the Conference of Dr. Carlos Saavedra Lamas, ex-Minister of Justice and of Public Instruction, Professor of Labour Legislation, Faculty of Law and Social Science, University of Buenos Aires (Argentine Republic) and the delivery of the Presidential address the proceedings were brought to a close. The next day discussion on Minimum Wage Fixing Machinery took place and among the speakers Mr. P. C. Bose of Jharia was pitchforked by the Indian Workers' group to speak about Indian Colliery miners. After his speech Mr. D. P. Khaitan, Adviser to Indian Employers' delegate, spoke and contradicted some statements made by Mr. Bose on the increase of accidents in coal mines in India. But the statistics which Mr. Khaitan quoted related only to death due to natural causes and preventible diseases as disclosed in the report of the Chief Inspector of Mines. Most of the speakers read out their written speeches.

## Minimum Wages.

The next day (1ST JUNE) Mr. Mahbubul Huq, Adviser to Indian Workers' delegate, spoke on the necessity of minimum wage fixing machinery and the deplored absence of only legislative enactments like the Trade Board or Wage Board Acts as are in force in England and Australia. He incidentally mentioned that in India millions of industrial and agricultural workers go with one meal a day and the wages obtaining there were miserably low. He advocated the plea of including in the proposed convention all the important trades besides home industries. He supported Mr. Humbert Wolf the British Government delegate in this matter.

## Success of Indian Delegates.

There were 6 Committees and the Indian Workers' delegates and Adviser got seats in four of these Committees. Dewan Chamanlal sat in the Committees on Minimum Wage Fixing Machinery and Standing Orders and

Mr. Huq was placed in the Committee on the Prevention of Accidents to Dockers in loading and unloading of ships and Mr. Boso was in the Committee on the general prevention of accidents.

In the Dockers' Committee an impasse was reached and the Employers' group left in a body. At last a *Via Media* was arrived and the necessary draft convention adopted with the reservation that it will be first referred to the Joint Maritime Commission.

### Debate on the Director's Report.

On the *8TH JUNE* there were some able discussions on the Director's report. The Workers' delegate Dewan Chamanlal strongly criticised it and pointed out that the unemployment question and infant mortality in India have been very much agitating the mind of the people of India. Sir Atul Chatterjee, the Government delegate, defended the Government saying that Labour conditions in India were different from those of the West and owing to this the Washington Hours Convention made a reservation in favour of India.

Mr. Narottam MORARJI, Employers' delegate, was the first among the Indian delegation to speak on the Director's Report. Mr. Morarji devoted the earlier portion of his speech to a close scrutiny of the Director's report especially the statements in it relating to India. He regretted that the Director should have without proper investigation lent the weight of the International Labour Office to the unfounded charges made in foreign manifestoes against India by publishing extracts therefrom. Many of the statements in these foreign manifestoes, he said, were inaccurate and totally without foundation. One of these misleading statements was that Indian law contained no provisions concerning limitation of hours of nightwork for male workers. It was not true. India had daily and weekly limitations of hours of work which many countries had not got and Mr. Morarji hoped that labourers in those countries will soon get them. He then pointed out that in the matter of adopting and enforcing various ratifications India had adopted a forward policy and the Indian employers had all along whole-heartedly co-operated with the Indian Government and the workers' organisations in carrying out the provisions of the House Convention.

Referring to whatever defects there might be, Mr. Morarji expressed the hope that the International Labour Office and the Conference will take due account of the peculiar difficulties which the different states have to face in regulating labour conditions. He expressed satisfaction at the decision of the International Labour Office to open a branch for India in Delhi and in congratulating the authorities on their sympathetic decision repeated the suggestion made by Mr. G. D. Birla, former representative of the Indian employers to the Conference, that the literature to be issued from the Delhi Office should be issued in provincial vernaculars of India as to be made useful to Indian labourers of all provinces and communities. He took this opportunity of extending an invitation to the Director to visit India so as to acquaint himself personally with conditions in that country and he also suggested that the Governing Body of the Conference should once meet in India.

Dwelling on the disabilities of Indian labour Mr. Narottam Morarji drew attention to the appalling illiteracy which was the root cause of many evils and hoped that the India Government would realise that the spread of



education is a far better and surer way of improving the lot of the worker than the mere passing of a number of laws and regulations. If illiteracy stood in the way of the Indian worker in his task of improving his own conditions, continued Mr. Morarji, the drink evil, which was eating into the very vitals of the community, very often contributed to his direct ruin and downfall. In this connection he put in a plea for a comprehensive and thorough investigation into the use of alcohol and its deleterious effects on labour. If prohibition had contributed to the prosperity of America, he asked, why a similar investigation should not be taken up in other countries resulting in similar legislation.

Mr. Morarji then referred to conditions in other countries and expressed gratification at Japan's decision to prohibit the night work of women and young persons from 1929 and sincerely hoped that this action of Japan will remove a longstanding complaint against a sister country. Mr. Morarji concluded with a powerful appeal for the amelioration of labour conditions. His assurance that it was the humanitarian aspect of the work of the International Labour Conference that directly appealed to Indian employers delivered in resonant tones touched the heart of all the delegates present and was loudly applauded.

Mr. Narottam Morarji was followed by Dewan CHAMANLAL, Labour Delegate. Mr. Chamanlal began with a tribute to Mr. Morarji saying that most of the remarks made by Mr. Narottam Morarji might as well have been made by himself. Coming to the report of the Director he said that he could not share the optimism of the Director. One third of the world, he said, was precluded from participating in the Labours of the Conference under the present conditions. He regretted that Russia, Persia, China, America and Turkey were not represented in the Conference. He pointed out that the Governing Body of the Conference had recommended only the first portion of the Indian workers' resolution to Governments, namely, that coloured workers must be represented and not the second portion which referred to the representation of coloured workers from South Africa. Not only should the workers of all white countries and free countries be represented on the Conference but also the workers of the Colonies and mandated territories who should have their voice heard in that international gathering. Coloured workers, according to the peace treaty drawn up at Versailles, were the sacred trust of civilisation. But in reality what were they? Only financial trust of Modern Europe.

Dewan Chamanlal next turned to the position in India. The most urgent question facing them in India was the important work of ratification of the conventions by the various Indian States. Lord Birkenhead and the Government of India might say that the regulations of hours of labour is a matter of internal administration and that it is not possible for the Government to interfere with the internal affairs of Indian States. But nevertheless Mr. Chamanlal was glad to note that the Indian Government were offering their good offices to Indian States to induce them to ratify the conventions. As for the powers of the Indian Government, he thought that the paramount power has a right to interfere in cases of maladministration and he only hoped that such non-ratification would be considered equivalent to mal-administration. Referring to the conditions of work in the mines, Dewan Chamanlal said that Government had no right to demand special treatment regarding the hours convention. Under the Indian Mines

Act Amendment shifts of twelve hours each were arranged for men and women working in coal mines. No civilised country had such maximum hours. He hoped the Indian Government would apply the hours convention not at special instances but enforce it as the standing rule of eight hours day. Factory inspection again in India was very inadequate. What was urgently needed was a large staff of trained Inspectors including an adequate number of women. The standard of sanitation and personal hygiene was so low among the workers that taking of health measures was an imperative necessity. Thirdly, there was the problem of unemployment. Being closely in touch with Labour conditions he was astounded to hear that the Indian Government considered that there was no industrial unemployment in India and even if it existed the Famine Code could cope with it. This was wholly absurd and inaccurate. Industrial unemployment was a growing problem in India and famine has become a chronic feature in India. The least the Government could do in this connection would be to establish unemployment exchanges and thus mitigate the evil. The condition of labouring classes was simply appalling. According to the statistics issued by the authorities themselves, figures of infant mortality among labourers between 1918 and 1922 stood as high as 557 per thousand. And what aggravated the whole situation was that the Government and the employers were equally indifferent to the welfare of the workers. Indian workers to-day were dragging a miserable existence faced with starvation every day, denied education and all opportunities for growth, physical mental or moral and very often terminating in premature death. Dewan Chaman Lal concluded his speech with a ranging declaration expressing his faith in the great strength that lay dormant in the Labourer and which alone would guarantee him his just rights. The International Labour Conference cannot guarantee peace to workers. He said that its value lies in that it affords a platform for carrying on propaganda. The work of the Conference is entrusted to various sub-committees and these committees which deal with health, protection of women and children, education, hours of work and incidence of venereal disease must lay emphasis on the conditions prevailing in countries like India. Otherwise the League of Nations will mean nothing but an Insurance Society for exploitation of the East and protection of the West. They knew that the Treaty of Peace drawn up at Versailles is not a 'magna charta' of the workers' rights and they realised fully well that the workers' strength lay in their own organisations. And in this full belief they extended their hand of fellowship to the workers in the West asking them to believe in the brotherhood of man and to march shoulder to shoulder until that high ideal was attained namely peace, prosperity and happiness for the working classes of the world.

Dewan Chamanlal's speech was the most impressive and eloquent of all speeches made that day and was greeted with great applause. Congratulations were showered upon him by many delegates at the close of the speech and Sir Atul Chatterjee paying tribute to Dewan Chamanlal said—"As an Indian I am proud of Mr. Chamanlal."

Sir Atul CHATTERJEE, Indian High Commissioner, who was the spokesman of the Government of India at the Conference then replied to the speeches made by Mr. Morarji and Dewan Chamanlal. Congratulating India on her worthy choice of the delegates this year to the Conference, he said that Mr. Morarji and Dewan Chamanlal had so ably represented the Indian employers

and Indian workers respectively that there was every hope for progress of workers of India on right lines. He characterised Mr. Morarji's speech as full of hope and enthusiasm and paid a tribute to his solicitude for the welfare of and protection to his workers. He described Dewan Chamanlal as being imbued with a true desire for the betterment and upliftment of the working classes in India.

Referring to the suggestions made by Dewan Chamanlal that the Indian Government should impose their authority for ratification of the Conventions in Indian States, Sir Atul desired to know if such non-ratification of the Convention in the States could amount to mal-administration. If that amounted to mal-administration then the very great majority of the big States of the world could be considered equally guilty of such mal-administration. As for the charge made against the Government that they were permitting unduly long hours of work in the mines, Sir Atul said that Dewan Chamanlal seemed to have forgotten that the Treaty of Versailles had made special provision for countries with special conditions and that Dewan Chamanlal's predecessor Mr. N. M. Joshi, who had represented Indian Labour at the previous Conference, had acquiesced in special treatment for India. It was not correct, he said, to say that the Indian workers in coal mines worked for twelve hours consecutively.

Regarding the problem of unemployment and the remedy suggested for it, Sir Atul said he could not agree with what Dewan Chamanlal had said. He admitted that the unemployment problem was very acute among the middle classes of India. But the solution for it did not lie in the creation of Labour exchanges. It could be cured only in the natural manner by the progressive development of Indian industries and agriculture and their growing prosperity.

Director Monsier Albert Thomas in course of a reply said that Dewan Chamanlal's statements had shown the peculiar disabilities of labour in certain countries. Those statements had shown with what prudence the Labour Office must proceed in furtherance of its aims in countries which had their own peculiar conditions which called for special handling. They had shown how the Labour Office must develop its activities so that the International Organisation could bring immediate protection to workers in distant countries.

#### Draft Convention of Minimum Wages Passed.

On the 16TH JUNE by the barest two-thirds majority required for its adoption the International Labour Conference passed the draft convention on the minimum wages together with the recommendation as worded by the Minimum Wages Committee. Seventy-three delegates voted in favour of the resolution while twenty-seven opposed it.

The Convention provided that workers who had been paid less than minimum wages shall be entitled to recover the difference. The recommendation, which after a good deal of discussion was finally laid down, was that each State shall create and establish a machinery for fixing the minimum rate of wages in certain trades including manufacture and commerce and in particular in home working trades where there was no arrangement for effective regulation of wages by collective arrangement or otherwise wages were exceptionally low.

Discussion at the open conference proceeded on lines similar to those on which discussion was carried on in the committee. The Employers' delegates and Workers' delegates were ranged on the opposite sides while Government representatives went with the Workers' delegates. An amendment similar to

that moved in the committee by Mr. Forbes Watson was moved again in the conference by Mr. Kay who also was the British Employers' delegate. It was seconded by Mr. D. P. Khaitan, adviser to the Indian Employers' delegate. The amendment aimed at removing ambiguity in working and restrict the application of the convention to sweated trades. The convention, as it was at present worded, was liable to be so interpreted as to include in its operation trades other than sweated ones also.

Mr. D. P. Khaitan pointed out the necessity of wording the international conventions precisely so as to avoid all possibilities of interpretation which would take them beyond the intentions of the conference. He said that the aim of the conference should be to secure as many ratifications and as much unanimity as possible. That could be done easily if the conventions were worded precisely. He, however, took the opportunity to assure the conference on behalf of the Indian delegation to do their utmost to improve the condition of labour in India. The amendment was defeated.

Dr. Paranjpye on behalf of the Government of India announced the Government's desire to set up a committee to examine the whole question and practicability of ratification in India.

The convention was then passed.

The resolution given notice of by Mr. D. P. Khaitan for enquiry into drink evil could not be taken at the Conference but he availed himself of the opportunity furnished by the resolution moved by the Canadian delegate regarding causes affecting production to move the amendment for the institution of an enquiry into drink. He pointed out that drink was a factor which was very adversely affecting production and naturally any enquiry into the causes affecting production should include an enquiry into drink evil also.

The amendment met with opposition from various quarters. Mr. Tom Moore, Irish delegate, opposed it on the ground that drink evil was a problem by itself and required separate handling. And it should never be considered from the point of view of production alone. Opposition came from the Indian Workers' Delegation also and Dewan Chamanlal protested against the worker being deprived of his toddy.

Mr. Khaitan finally withdrew his amendment, however, reserving to himself the right of bringing up the question next year.

On the 17TH JUNE the work of the Conference concluded. The conference adopted the report of the committee under article 408 of the Peace Treaty. In moving the adoption of the report Mr. Shanmukham Chetty, adviser to the Indian Employers' Delegate said that the time had come to examine the results achieved so far. He said the Conference should now take up the task of investigating whether the member States who had ratified the various conventions had passed legislation in conformity with the spirit of the conventions. The progress in the matter was not uniform and the various countries had various difficulties to contend with and it was for the International Labour Office to see that the resolutions adopted at the conference were carried into effect in the several countries. An enquiry would not be enough if it concerned itself with legislation alone. It must also include investigation into the manner in which the laws of these governments were in harmony with the conventions and the way in which they were administered.

# The Labour Party And The Empire.

What is the attitude of the British Labour Party to the British Empire? There are Labour leaders, some of them among the most fire-eating section, who resent the suggestion that Labour is as Imperialistic as the other Parties. The participation of Labour in the Indian Statutory Commission to enquire into the question of India's fitness for self-rule has shown that the Colonial policy of Labour is in complete agreement with that of the older parties. In an article in the "Labour Monthly," Mr. Hugo Rathbone reviews the Labour position in regard to the Empire from the time of the adoption of the programme embodied in "Labour and the New Social Order" in 1918 down to the present day.

In "Labour and the New Social Order" there is an unqualified repudiation of "an enforced dominion over subject nations, subject races, subject colonies" (p. 4). But further on we find the following:—

If we repudiate, on the one hand, the Imperialism that seeks to dominate other races, or to impose our will on other parts of the British Empire, so we disclaim equally any conception of a selfish and insular "non-interventionism," unregarding of our special obligations to our fellow citizens overseas, of the corporate duties of one nation to another, of the moral claims upon us of the non-adult races.....(pp.21—22.)

In the light of this then should be read the following:—

The Labour Party stands for its (the British Empire's) maintenance and its progressive development on the lines of local autonomy and "Home Rule All Round"; the fullest respect for the rights of each people, whatever its colour, to all the democratic self-Government of which it is capable.....(p. 22.)

At the 1918 General Election this policy was simplified in the following manner:—

Freedom for Ireland and India it claims as democratic rights, and it will extend to all subject peoples the right of self-determination within the British Commonwealth of Free Nations.

## Principle of Self-Determination.

At the 1919 Conference a plain unqualified demand was made, that "the principle of self-determination be applied to the Government of Egypt." In 1920, this same principle was again unanimously and unreservedly affirmed. But in the same year a resolution was moved on behalf of the Executive, and carried (so ran the report), "the whole assembly standing" as if to emphasise the solemnity of the occasion, defining more exactly the application of this principle to India in particular, though certain generalisations were also made. It was, indeed, a most interesting and important resolution.

It first reaffirmed its conviction that only on the principle of "democratic self-determination" could "a stable and satisfactory settlement of the world be arrived at." But then it immediately qualified this by saying that this principle "is applicable to all peoples that show themselves "capable" of expressing a common will." Therefore, this principle should be applicable to India "in such a way as to satisfy all the "legitimate" aspirations of the Indian peoples.

Yet the resolution "emphatically protests against the militarist and repressive methods adopted by the present British Government. It denies the right of any government to govern a country against the will of the majority." Finally, however,

while expressing the hope that all the peoples of the British Empire will prefer to remain as parts of that Empire so soon as their aspirations have been dealt with in a thoroughly "conciliatory" manner by the granting of adequate measures of autonomy, it declares that the final decision must rest with those peoples themselves."

In a resolution on Ireland passed in the same conference, again we find that,

the principle of free and absolute self-determination shall be applied immediately in the case of Ireland, confirming the right of the Irish people to political independence.....

### Self-Determination Dropped.

In 1921, the general resolution does not include the right of self-determination, but there is a demand for

a relationship with "the non-adult races" which will secure the political and economic development of their countries exclusively in the interest and for the benefit of the inhabitants and in accordance with their own desires; the extension to them of the greatest "practicable" measures of self-Government.....

At the same conference a resolution on War and Imperialism was carried, which declared that "Imperialism distracts public attention from domestic affairs and introduces ideas of Government by a dominant race which are inimical to the principles of democracy." It then goes on to assert "the right of self-determination of all peoples" though in the resolution, quoted immediately above, quite definite limitations were placed on this right "as far as concerned these "non-adult races."

In 1922, we get a very interesting position. The Conference passed a resolution welcoming the support given by the Parliamentary Labour Party to the Government of India Act (the Montagu-Chelmsford reforms) and urging them to support any further legislation "In the direction of securing to the people of India the same measure of self-Government which is in operation in Canada, Australia and South Africa." Mr. Tom Shaw, in replying to the debate, in which it was asserted that the policy of non-co-operation was due to the "strong opposition" to the Government of India Act, pooh-poohed the idea underlying this assertion—namely, that the Labour Party was thus condemning non-co-operation. "Why," he said, most innocently, "the resolution itself was a declaration that the Indians should manage their own affairs....." "The Government of India Act was a mere detail in comparison with the real principles underlying the resolution."

### Far Towards the Right.

Unfortunately, however, for Mr. Shaw, this view which he with such brazen effrontery slipped across the Conference is quite other than the view as expressed in a resolution passed by the National Joint Council, of which he was then a member, on February 21 of that year (1922). "Whilst realising," so it ran in the best imperialist manner of a Joynson-Hicks, "the necessity of preserving order in India," it had the impudence to go on "to deplore the political arrests... etc." Returning, however, most speedily to its Joynson-Hicks manner it continued: "the Council deplores no less the action of the non-co-operators in boycotting those Parliamentary institutions recently conferred (a real majestic word: H. R.) upon India by means of which grievances should be ventilated and wrongs redressed." (Nothing here about self-determination or self-Government—merely grievances and wrongs—the true Goose Club conception). Of course, the resolution ends by appealing for a joint conference "to set a time limit," amongst other things, "for the transition stages of partial self-Government."

But in the General Election programme of 1922, owing to the need for a short slogan, happily divorced from explanation, the Labour Party could still come forward advocating "the recognition of the real independence of Egypt and self-Government for India." The unwary amongst the electors might think that the change in words as applied to Egypt and India were mere accidents, but as we have seen, the purpose of self-Government was merely that "grievances should be ventilated and wrongs redressed."

The references to Ireland, in the same programme, also are very illuminating; for the programme calls for "the prompt and cordial acceptance of the new constitution of the Irish Free State" thus most effectively trying to stamp out every remaining scrap of sympathy amongst British workers for the struggles of the Irish workers and peasants against the exactions and oppression of their capitalist Free State.

### A Plea for Empire.

In 1924, in spite of the experience of the Labour Government, the position

was still unclear enough for a resolution to be passed calling for steps to be taken "to stop the persecution of workers for political or industrial reasons, particularly in India and Egypt; to provide adequate protection for the subject races of the Empire in their struggle for freedom...; to find ways and means..... to the speedy attainment of self-Government throughout the British Empire..." The manifesto at the General Election in 1924 was even more shameless, for it claimed that the Labour Government "has maintained and even strengthened the ties of sentiment with the Dominions upon which, rather than upon either force or any Imperialism, the very existence of the British Commonwealth of Nations depends." Not a single word about what good things it had achieved for the Colonies—how through its mouthpiece, MacDonald, it immediately on taking office, peremptorily warned the Indian people against any attempt to revolt against British capitalism; how it had shot down strikers in Bombay and bombed peasants in Iraq; how it had laid the foundation in Bengal by the ordinances of that province for an intensified campaign of political persecution.

At the annual Conference of 1925 the only reference to self-Government occurring in the general resolution, headed "A Labour Policy for the British Commonwealth of Nations," was contained in one paragraph which invited the League of Nations to appoint an "observer" to all mandatories and dependencies whereby they "may benefit from the impartial supervision of the League of Nations pending full self-Government."

#### Self-Government for India.

The separate resolution on India, however, begins in the time-honoured way by recognising "the right of the Indian peoples to full self-Government and self-determination." It goes on, however, to welcome "the declarations of representative Indian leaders in favour of free and equal partnership with the other members of the British Commonwealth of Nations..... with a view to a new atmosphere of friendly discussion that all coercive measures and repressive legislation should be withdrawn." Finally, it ends up with a demand for the calling of a Conference of representatives of the various Indian parties "with a view to the immediate application of a constitution in accordance with the wishes of the Indian people."

#### Zaghlul Betrayed.

The resolution on Egypt affirms its right to self-Government, suggests that it should be admitted into the League of Nations, and that the reserved questions, as, for instance, the keeping of a British military force to guard the Suez Canal, &c., should be referred to the League. In so far as, when Zaghlul Pasha came to negotiate these questions with the Labour Government and demanded that Britain should recognise the independence of the Sudan negotiations were summarily broken off by MacDonald, this achievement would seem to be still further from the reality.

Finally, we come to the year 1927, when with regard to India, the affirmation re: self-Government was repeated, leading to the time, so it went on, "at the earliest possible moment" when India would be an "equal partner" in "the British Commonwealth." It called for the appointment of the Royal Commission under the Government of India Act and laid it down that it should be so constituted, &c., "that it will enjoy the confidence and co-operation of the Indian people."

The process of clarification on the colonial question to "the normal condition of the Labour Party," however, had still to go one step further.

#### Labour and the Commission.

This was achieved by Mr. Ramsay MacDonald himself. For after the repeated refusals of the Labour Party to withdraw the two Labour members from the recently appointed Simon Commission in spite of the nationwide movement in India for the boycott of the Commission, Mr. MacDonald considered that the time had come to send the following message to his colleagues on the Commission:—

"It is reported here that if your Commission were successfully obstructed a Labour Government would appoint a new Commission on another and non-Parliamentary basis. As you know, the procedure now being followed has the full confidence of the Labour Party, and no change in the Commission would be made."

Here at last is clearly stated "the normal condition of the Labour Party." Not a word about "democracy," "self-determination," "self Government," "free will of the people themselves," &c., &c. What remains implicit is the "legitimate" desires, "the "progressive" development," the "moral" "claims upon us of the non-adult races," "our "special" obligations to our fellow citizens abroad, "practicable" measures of self-Government" and all the other similar phrases that we have found were so innocently scattered amongst the great and magnanimous resolutions expressing "democracy," "self-determination," &c. These phrases are all governed by what the British Government considers are "legitimate," "practicable," &c. The expressions of the will of the "non-adult races," or as MacDonald puts it, the "obstruction" of the plans of the British Government, would not move the great British Labour Party one inch from carrying out "its moral claims" towards "these non-adult races."

Frankly Imperialistic.

So the normal condition of the Labour Party is one of frank imperialism. It only remains to be embodied in the coming new version of the Labour Party programme which, as the resolution of the 1927 Conference laid down, would form a "A programme of Legislation and Administrative Action for a Labour Government."

As Mr. Henderson reminded the Conference in speaking to this resolution. "thirty-three years ago he had voted at the Norwich T. U. C. for the socialisation of all the means of production, distribution and exchange, and he was still fighting for it." But then he proceeded to say:—

They wanted to get on, and the use of phrases, now that the Party had reached its present stage, was not going to assist them to get on as he thought they ought.

Precisely, Mr. Henderson, "the non-adult races," such as the Indian peoples, take you at your word when you declare for "self-determination" and naturally are inclined to "obstruct" your progress on the path of imperialism when they find that it is only a "phrase" and that you intend "to get on" only on that path of imperialism—"the normal condition of the Labour Party."

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# The Indian High Courts Bill.

The Indian High Courts Bill was introduced in the Parliament early in June 1928. The Second Reading of the Bill was moved by Lord Rirkenhead in the House of Lords on the 14th June. In moving it the Noble Lord said that the authorities had for many years held a view that it was indefensible and illogical that any class of men capable of being elected to be the Puisne Judge of the court in the first instance should be excluded from being made, on their merits the Chief Justice. The chief change made by the Bill was in this respect. The position of the Vakil had been assimilated to that of the Barrister and the qualifying period for appointment to the High Court Judiciary had been increased from five years to a decade and made the same in cases of both Vakil and Barrister.

Lord Haldane welcomed the Bill and said that he looked forward to the time when there would be calls to the Bar in India. It was a great evil that so many young lawyers had to come to England to get a training which was in no way perfect and that they should be at a loose end instead of pursuing their studies in India. He intimated that he might raise the matter by an amendment at a later stage.

The Bill then passed the Second Reading.

## Provision of the Bill.

The memorandum to the Bill states:—

Since the consideration of the statutes relating to India by the Government of India Act 1915 it has been customary, and necessary, to make all subsequent amendments in the law relating to the Government of India by means of textual amendments of the consolidated act. In consequence the provisions of amending Bills can rarely by themselves be made intelligible.

The provisions of this bill can be very shortly explained. Sub-sections (3) and (4) of section 101 of the Government of India Act are as follows:—

"(3) a Judge of High Court must be (A) a Barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland of not less than five years' standing; or (B) a member of the Indian Civil Service of not less than ten years' standing, and having for, at least three years, served as, or exercised the powers of a District Judge; or (C) a person having held judicial office, not inferior to that of a sub-ordinate Judge or a Judge of a Small Cause Court, for a period of not less than five years; or (D) a person who has been a Pleader of one of the High Courts referred to in this Act, or any Court which is a High Court within the meaning of Clause (24) of Section 3 of the Act of the Indian Legislature known as the General Clause Act, 1897, for an aggregate period of not less than ten years.

(4) Provided that not less than one-third of the Judges of a High Court, including the Chief Justice, but excluding Additional Judges must be such Barristers or Advocates as aforesaid, and that no less than one-third must be members of the Indian Civil Services."

It has been held that the effect of the words in the Sub-Section (4) "including the Chief Justice" is to debar any person who has not the qualifications of a Barrister from eligibility for the post of Chief Justice. Many of the ablest members of the Indian Courts have not this qualification, and it has long been felt that there is no justification for any provision which prevents selection for the office of Chief Justice of any person who is best fitted to hold it. The effect of omitting the words "including the Chief Justice but" will therefore be to remove this restriction and to enable any person qualified to be a Puisne Judge to be appointed Chief Justice.

The existing provision in the same Sub-Section which requires at least one-third of the Judges of a High Court to be Barristers has often tended to result in the necessity for selecting a Barrister for a vacancy in preference to a Vakil whose qualifications may be markedly superior. The addition of the word "or Pleaders" after "Advocates" will remove this inconvenience.

Incidentally it is proposed by the amendment to be made by paragraph (a) of Clause 1 of the Bill, to place Barristers on the same footing as Pleaders in respect of the standing in their profession which they must have attained to be eligible for appointment to the Bench of an Indian High Court.

## Text of the Bill.

The following is the text of the Bill :—

An Act to equalise the position under the Government of India Act of Barristers, Advocates, and Pleaders as respects the qualifications for appointment as Judges of High Courts, and as respects the proportion of such Judges required to possess special qualifications, and to render any person qualified under the said Act to be appointed a Judge of a High Court eligible for appointment as Chief Justice of such a Court.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. In section 101 of the Government of India Act (which relates to the qualifications to be possessed by a Judge of a High Court) there shall be made the following amendments, that is to say :—

(a) in paragraph (A) of Sub-Section (3) thereof for the word "five" there shall be substituted the word "ten" and (b) in Sub-Section (4) thereof the words "including the Chief Justice but" and the word "or" shall be omitted and after the word "Advocates" there shall be inserted the words "or Pleaders."

2. (1) This Act may be cited as the Indian High Courts Act 1928.

(2) References in this Act to Section 101 of the Government of India Act shall be construed as reference to that Section as amended by the Indian High Courts Act 1922.

(3) Sub-Section (2) of Section 45 of the Government of India Act 1919 (which relates to the effect of amendment to and the printing of the Government of India Act) shall have effect as if it were herein re-enacted and in terms made applicable to the amendments effected by the Indian High Courts Act, 1922 and by this Act.

## Lord Birkenhead's Doncaster Speech.

The following speech was delivered by Lord Birkenhead at Doncaster on the 17th February 1928. Dwelling on the Simon Commission his Lordship referred to the criticism at the non-inclusion of Indians in the Commission and said that sixteen such would have had to be admitted in addition to the British to make it representative of the major interests even of India.

He had gravely considered the position before recommending to his colleagues the present form of the Commission. They were satisfied that the only form of the Commission that corresponded with the historical and constitutional facts of the situation and the practical modern necessities of the case was one which made it plain that this was, and would remain, a Parliamentary responsibility of this country.

He was of opinion that no more impartial or more efficiently manned Commission than the present had ever left Britain.

He then proceeded to pay a tribute to Mr. Ramsay MacDonald who, as the principal Opposition Leader, from the first had carried out what he conceived to be his duty never hesitating for a moment. All responsible Labour leaders had taken the same course.

Lord Birkenhead said that he had never discussed with Sir John Simon the terms or the substance of Sir John Simon's statement, indicating the limits within which the Commission was prepared to admit and welcome the Indian Committees' co-operation.

He was so little aware of the precise terms that Sir John Simon intended to propose that he had read them he would not say with little surprise, but as a new subject-matter to which his mind had not been applied before it was proposed to the Indian Legislature.

Those who delude themselves and India with the impression that by boycotting the Commission they can defeat its purpose, are living in a world that has no contact with reality.

We have attempted by every means in our power to make it plain that we shall welcome at every stage the contribution and assistance of Indian opinion officially represented and organised in the committees of the various assemblies. If we are denied the assistance which we have asked for, does anyone really imagine that the Commission

will desist from its activities or refuse to carry out its task? I can, on the contrary, make it plain, as any words at my command enable me to do, that with the assistance of the Legislatures or without it, this Commission will carry its task to a conclusion.

Furthermore, whether on its return to Britain in March, the Commission has met with such co-operation or not, it will return to India in the following autumn and resume and complete its labours.

I would add this, that those who are organising boycott of this Commission will, in my judgment, discover month by month how little representative they are of that vast and heterogeneous community of which we are the responsible trustees. They will discover millions of Muslims, millions of the depressed classes, millions of the business and Anglo-Indian community who intend to put their case and argue their case before the Commission, and that the Commission will ultimately report to Parliament.

If the organised political opinion, a very small fringe of the whole of India, chooses to maintain itself in silent boycotting aloofness, nevertheless the work of that Commission will be performed under this Government or under any Government of whatever political complexion that may succeed it.

I would recommend this as a subject for reflection, not in any provocative spirit, to those who have ranged themselves in organised premature hostility to our proposals. I would invite them to consider whether they think on the whole that the attitude which is being recommended by extreme elements of Indian opinion is likely or not likely to persuade the very experienced electors of Britain that the politically-minded in India have proved themselves to be deserving and fit for a great extension of their present constitution. They might easily by co-operation so prove it, they might prove it by sending the ablest of their members to sit with Sir John Simon and his colleagues but I wholly misread the temper and sophisticated political intelligence of my countrymen, if they succeed in proving that India is already ripe for an extension of *existing constitution*, by refusing in the first place to work it and declining in organised boycott to examine its present workings with a view to its reform and possible extension.

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Congress & Conferences.

Jan.-June 1928.

# The Bengal Provincial Conference.

*BASIRHAT—7TH APRIL 1928.*

Basirhat which is about forty miles away from Calcutta was all astir with crowds of people of all shades of opinion when the Bengal Provincial Conference commenced its session on the 7th April in the afternoon under the presidency of Mr. J. M. Sen Gupta. The President delivered his speech in Bengali. In the course of his speech he said :—

“Before we plunge into the fight, on this national day let us devote some time to take stock of our present position. If we are to correctly understand the present situation in India, particularly in Bengal, we have to remember the processes by which we have been reduced to the present position. For this we call your attention to the political history of the past few years.

The years between 1885 and 1905 may be called the age of petition, prayer and resolution. During that time there only grew in the heart of India the desire to find something but she did not know the best means of attaining it. From 1905 dates the age of partition and Swadeshi agitation. In those memorable days the hope and enthusiasm that were kindled in the heart of young Bengal will ever remain imprinted in letters of gold in the history of Bengal. During that period of great awakening United Bengal succeeded in making the British power realise that Bengal has life and would not tolerate any dismemberment of her limbs. As a result, the British Raj was compelled to undo the injustice to Bengal.

But was it the awakening of Bengal alone? Did it achieve its ends only by repealing the partition of Bengal? To the ordinary eye it seems so but the agitation of 1905 had its repercussion throughout India. It is the first step in the path of freedom. The stirring of young hearts in Bengal was felt throughout India and it marked the beginning of national consciousness and patriotism in India.

## Repression and Revolt.

The age that followed in the political history of the country may be called the days of iron and blood shed. We did not look with favour on the activities of those young patriotic Indians. We have blamed them for providing the British Raj with excuses for introducing a cruel policy of repression in the country. But what is the root cause of this unrest? Who are to blame? What lesson he haugly utterance of the French Emperor “I am the State” has for us all? Was not the country ablaze from the day, when his words unmistakably proclaimed that the interests of the State and the People were different? That political upheaval not only razed France to the ground but sent its repercussion through all Europe. This proves that until the State and the People are united by ties of common interest and the spirit of give and take, clash between the two is inevitable. The British Raj says “Indians have to be repressed, they are rebels, they want blood-shed.” Well, may we ask who have made them rebels? Who have invited them to blood-shed? The only answer is “the British Raj.” The cruel repression of the administrative machinery and the crushing weight of the bonds of slavery have made the youths who are freedom-loving by nature rebellious. But this does not mean we have lent our support to this party of rebellion. We are not advocates of unrest. We only want to say that the best means of removing the unrest—the remedy—does not lie in the way of mad repression. This unrest cannot be removed unless people's political and physical hunger is appeased. It is one thing to repress unrest, another to remove it. Deportation, internment and imprisonment without trial may be successful temporarily in keeping unrest in check; and it has no doubt, achieved some success for the moment. But has it uprooted the evil? To quote

an American writer, "if the flame of liberty is enkindled in a country, no amount of repression on the part of the State can quench it. It may succeed for the moment in keeping it under control, but like fire underground, it keeps itself alive and through the smallest outlet flares up with redoubled virulence."

So this spirit of rebellion should not be repressed, but the cause of it has got to be removed. But ours is not that responsibility, it is not within the power of any political party. It is for us to put forward our demands in a legitimate way. But what are we to do if others do not accede to them? So the whole responsibility of appeasing this party of rebellion lies with the British Raj. If they do not remove the cause of unrest by granting to the people their just rights, there is nobody who can deal with it. The policy of repression is not a proper remedy. Remedy lies deeper in the root—the physician in this case has got to be treated first.

### The Birth Right of Freedom.

We demand our birth right of freedom, the denial of which has dwarfed our manhood and is threatening us with extinction. He who thwarts us in the attempt is our greatest enemy. Who are to blame to-day—We or those who are stifling our voice?

But far from devoting any thought to our demand for just rights the British Raj is engaged in dealing repression with one hand and safe-guarding its own interests with the other. In 1914 when the conflagration of war set ablaze the whole of Europe and the British power trembled on the brink of ruin—what did India do in that hour of grim peril? England was then busy saving her life and honour, drawing forces from all parts of the Empire. Only a handful of army was left behind in India at that time. England may forget the words—so full of magnanimity, which Mahatmaji uttered at that time, but the world will not.

Mahatma said "India does not want to be free taking advantage of the grave peril of England." All India bowed to the command. India did not falter for a moment to rise to the height of magnanimity. When England called out standing on the verge of ruin, "save us, we will give you freedom," the heart of India responded to the eternal appeal of self-sacrifice. Men and money flowed from India to the succour of imperilled England.

But what is the result? When England got out of danger, her good intentions evaporated. The people, who, when England was in deathgrips with enemies, were greeted as equals, got blows by way of repression when England got out of it.

On the 17th of August, 1917, Mr. Montagu declared:—

"The policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration, and the gradual development of self-governing institutions, with a view to the progressive realisation of responsible Government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India."

### British Hypocrisy.

What was promised in the declaration of 1917 became a matter for consideration after two years in 1919 and we were assured that a Commission would be sent to examine and report as to how far we were to be allowed to enjoy our rights. The mask of 1917 fell off and in the short time of two years the British administration appeared in all its naked hypocrisy.

From this time the British Government conscious of its own security, began to force new fetters for India. The Rowlatt Act was passed in the teeth of unanimous Indian opposition. In the Jallianwalla Bagh massacre the inhuman policy underlying the British administration of India stood before us in all its nakedness. Indians understood that the British Government had no compunction in massacring Indians at will.

The result was that India spurned at England's gift of condescension and rose up to a man at the call of Mahatma Gandhi to fight a non-violent war. In this India has given a new message to the blood thirsty nations of the world as to how to conquer an oppressing enemy with patience and forgiveness. That glorious chapter of events is not unknown to you.

In 1921 came this crisis of which the English writer Seeley had contemplated when he wrote that the British domination of India would fall to pieces when the entire Indian people, awakened to their birthright, would demand freedom. The tottering Government towards the end of that year grew anxious for a Round Table Conference. The offer for a compromise came from the Government itself.

Here again the British Government played at its old game of posing as our benefactor and secretly working for our fall. After a prolonged consideration and hesitation the Government at last laid its hand on Mahatmaji with much trepidation. It was apprehended that India would not brook this tyranny. But it was otherwise. India peacefully stood by, as she had done when Deshbandhu and even his wife were taken to jail. This peaceful attitude had its own justification but the slackening of fight that followed resulted in immense injury. The Government was not slow to take advantage of this weakness. All talks of a Round Table Conference ceased and the policy of repression began to be pushed on with greater vigour. It should serve as a warning in carrying on our fight in future. If we are to win we must prevent the recurrence of such lapses, but it should also never be allowed to dishearten us.

After Deshabandhu's release he proposed to work from within the Councils to paralyse this oppressive administration and in spite of opposition he carried out his programme. This led to the creation of the Swarajya Party. These are all too recent to require any elaboration. What I want to point out is that following Deshabandhu our aim always has been to get a Round Table Conference. I shall presently explain what I mean.

#### A Round Table Conference.

By Round Table Conference we do not mean the institution of a gathering for show. It must be formed of persons duly elected and with unquestioned probity and impartiality to decide on our just and legitimate demands. The Government must enter into an undertaking that its decisions will be respected and given effect to without any modification or restriction.

#### Hindu-Muslim Unity.

Then we come to a shameful episode of Indian history—I mean the Hindu-Muslim troubles. Though I do not attach any undue importance to the question from the standpoint of politics and though I sincerely believe that in this national crisis it is now a thing of the past, yet I must say that it has provided the Government with a very handy excuse and opportunity. It must not be forgotten that it was on account of this Hindu-Muslim difference that the Britishers got into India and secured control over her and again on account of this difference they are now tightening their grip. With that end in view they have sent the Simon Commission before its time.

India did not ask for this Commission. But the British Government has sent it with such hurry with the object that taking advantage of the communal differences the Commission in the name of conciliation may tighten the fetters round India's feet.

#### The Commission.

But India has seen through the game and that is why we hear all over the land the persistent cry asking the Commission to go back. The Indian National Congress, the Trade Union Congress, the Khilafat Conference, the Hindu Mahasabha and the Liberal Federation and all the other organisations have decided to boycott the Commission.

And this is perfectly justified. Why should we allow a third party to stand between us and our Motherland? Why should we tolerate their impudent demand to examine our fitness? As for evidence, enough was placed before the Muddiman Committee. No, this gratuitous insult must be avenged.

Brothers and Sisters, we should no longer allow this playing with our birth-right. Let these impudent people understand that you ignore them. Let the demand of all political parties for the boycott of the Commission reverberate through the length and breadth of this land. Everyone must understand that co-operation with this Commission will bring about irreparable mischief but a complete boycott of it will lead to a distinct gain. If any one out of considerations for petty self-interest, co-operates with this Commission he will hereby be injuring the interests of all the future generations. I would particularly bring this to the notice of my Moslem brethren. I would request them to remember that if in this crisis in the life of the nation they overlook the greater issue out of consideration for personal or sectional or of any smaller interest that would result in bringing about ruin on the whole country on both Hindus and Mussalmans.

#### An Indian Constitution.

The Simon Commission came, toured the country and went back being satisfied only with got-up receptions and dinners. Now, we must realise exactly what the leader of the Commission said with regard to Ireland. Our main duty now is to prepare a constitution and I therefore earnestly request you that before the Commission comes to India again you should ratify that constitution in a convention of the representatives of all parties and communities. To this, I draw the attention of the Assembly, Congress, Muslim League and such other organisations.

Some people are of opinion that no good result would accrue from merely making a constitution, but I request you to grasp it particularly that there is great utility in this constitution making. It is not true that it is easy and at the same time useless to form a paper constitution but no government, however powerful and formidable, can resist the enforcement of a constitution which will be formed with the consent of all communities and which the different political parties in India will accept as their own. That such an unanimity and determination will be a terror to the Government, I said before, and is also indicated by what the 'New Statesman' wrote.

Again, the Britishers declare before the world that we do not know what we want and we have no administrative capacity. If therefore we can prepare a unanimous constitution we shall be able to demonstrate to the world that we are not children, we understand self-government and we understand our rights.

Already I have said that the misunderstandings between Hindus and Muslims are considered by the Government as one of the greatest weapons in their hands. They think that no unanimous constitution is possible in the face of these disunions. We will have to disprove it, we will have to show that the 30 crores of Indians can stand up as one great nation by forgetting communal discord—selfishness, and narrowness in this national crisis. We will have to show that Government, actuated by mean and selfish motives, is spreading lies and calumnies throughout the world. I appeal to you to-day to lead a campaign against the lies. Forget petty interests and patriots as you are, be prepared for the battle against this mendacious propaganda. There is another thing for which the drawing up of a constitution is urgently necessary. About 95 per cent. of the population in India is poor and illiterate. Incessant struggle against poverty has taught them to think that they are doomed to squalor and poverty and that any change is unthinkable, so long we had been telling them that Swaraj is coming; it will benefit us. We should explain to these 95 per cent. the real nature of Swaraj as also how Swaraj will benefit them. They are the soul of the country, the strength of the nation; and in the national struggle their co-operation is absolutely indispensable.

#### Boycott.

Now, I am drawing your attention to a very important matter. We will now have to carry on with full vigour the campaign for the boycott of British goods, specially British cloths. We know that we should wear Swadeshi cloths for the welfare of ourselves and of the country. But that is not all. Henceforth we should know this that the boycott policy is our most formidable political



weapon. You know well that this boycott policy will solve our economic problems, but we should know also that boycott will weaken the Government. Our joint endeavour is bound to lead to a grave food problem in Britain. I request you, brothers and sisters, to accent the vow of Swadeshi on this National Day. Let us not touch British goods especially British cloths. Let India use Swadeshi goods, let her be prosperous, and let her enemy become weak. Let the weapon of boycott in the hands of India, excite terror in the minds of the foreigners.

#### Volunteer Organisation.

Another proposal I place before you. A volunteer corps should be formed in every district and sub-division of Bengal. They will be in the service of the country, under proper leadership and under strict discipline. They will carry the message of the Congress to the illiterate, in propagation of Khaddar and in organising the people on the basis of their grievances. This All-Bengal Volunteer Corps will be an adjunct to the Congress organisation.

In this connexion I want to make one thing clear. We want volunteers, for the work of the Congress, for our freedom. And this corps should remain as a permanent Congress volunteer corps. But those who will enlist themselves should not forget the real import of the word Volunteer and should not hope that the Congress will maintain them. In fact it is impossible to do so. So, I appeal to able and young patriots of the land that unless they accept these honorary posts, salvation of the country will be impossible.

Our people are half-starved; the British have physically oppressed us, have made us starve and have destroyed the power of mental perception. So, we cannot afford to ignore this problem of hunger. I appeal to educated youngmen not to crowd at the door of the Government offices for slavery but to stand firmly and freely on their own legs and fall back upon the land. In this respect help both from the Congress and the distinguished is essentially necessary. If by the combined efforts of all, young Bengal is inspired to take to trade, commerce and agriculture, we will have self-reliant men and women of independent spirit.

If once this educated young Bengal goes back to the village, he will find there ample scope of work. But they must rest content with coarse cloth and plain food. The blessings of the whole country and the future nation will be fall them. I do not deny that it is easy to lecture in meeting or to utter some well-arranged words against the Government, but this campaign is really very difficult. Those who will be the pioneers in this work may not find much fame or pleasure in it and on the other hand may have to endure much hardship; but this is why I appeal to the youth of Bengal, for they have been doing the most difficult fight in freedom's battle. In all ages and in all countries, youths are the pioneers in struggle for freedom. Will they not take their place? Come ye and by your "Sadhana" bring ever-lasting good to your country.

For this work in rural areas the services of young Bengal are very necessary. That is why I make this appeal particularly to them. Taking advantage of the ignorance (which is due to want of education) of our peasant class Government are misleading them; and many of them have already left off working for the provision of their own food. They are now growing jute in their paddy fields and thus helping foreign exploitation in Bengal. It is fortunate that a propaganda has been started for the restriction of jute cultivation, and I draw your attention to this noble work.

To educate the ignorant masses in this rural economy and to promote indigenous industry and trade—all these things rest in the hands of the youth of Bengal and these are the first steps in our national struggle. It is our common experience that the young men of Bengal are not weak and this time too we hope to see their same capability and resourcefulness.

I think I shall be wanting in the discharge of my duty if I close this address without referring to the present unrest among the student community. The charge against this great awakening amongst the students is that they have become indisciplined, disobedient and impertinent. I do not deny there is excitement and unrest but when we think over it a bit deeply we find that the

charges that have been levelled against the students are groundless. The cause of this excitement is not want of discipline on their part—that the students have become disobedient is not also true.

In every country in the youthful heart there is an independent spirit—the young men of all countries are full of vivacity and vigour. The youthful heart naturally wants to know and love the motherland. Naturally they are eager for their legitimate right. The fight of the youngmen is against the ruthless repression launched upon them by the Government. So if there is any body to blame for this upheaval, it is the oppressors and not the oppressed.

When the newly awakened youth of Bengal wants to realise their mission and cherish a love for the motherland the present unhealthy system of education and its directors are attempting to purge out all patriotism from them and give them a drilling in loyalty. From the early life heartless and organised attempt is made to create in the youths a slavish fascination for the British. But education and superstition cannot live together. And so when these authorities fail here they try to achieve their purpose by engendering a fear for the British through repression. The atmosphere is poisoned with suspicion and spies are set on the youth. This they can never stand and the only alternative for them is to succumb to it. But that too is against the nature of youth. So a reaction ensues and they seek to get out of these soul-killing surroundings. I can never regard this as culpable. To me the only solution seems to be the establishment of freedom and national education. There is no other means of checking this new uprising of youth.

Dear Brothers and Sisters,—Allow me to call you again to join the battle of freedom; let all difference be obliterated and all self-interest be effaced; stand up as a nation under the Indian tricolour, determined to recover your right. Do not fall back from fear of imprisonment, deportation, repression or even death, but send your call to the lowliest of the lowly and let them understand that the terror which keeps them down is all hollow and will give way to a challenge.

My appeal lies to the youth of Bengal. It is for them to bear the brunt of the fight and build up a glorious future. It is for them to reinsert into Indian heart messages of hope and courage.

To-day we can spare none. I appeal to the Musalmans, I appeal to the Hindus—I appeal to all the communities and institutions to join in this holy work. A great Indian nation—freedom for India—and peace for the world,—in the name of God I call upon every son and daughter of India to join in carrying out this noble mission.

## SECOND DAY—8TH APRIL 1928.

### 1.—Complete Independence as Goal.

The Conference reassembled on the next day at 2 in the afternoon. After a condolence resolution has been moved from the chair. Sj. Subhas Chandra Bose moved :—

That this Conference proclaims complete independence as India's goal.

In moving the resolution Sj. Bose said that the resolution which he was going to move was not a new thing in Bengal. When Sj. Arambinda Ghose preached that message through the columns of his "Bande-Mataram," it created a new enthusiasm in Bengal. After twenty years when this resolution was moved at the momentous sitting of the Congress at Madras it was unanimously carried. It was a glory to Bengal that her message was at last taken by the whole of India.

The resolution was put to the vote and carried.

### 2.—Commission Boycott.

Sj. Bijoy Krishna Basu next moved :—

That whereas the British Parliament has appointed the Simon Commission in utter disregard of India's right to Self-Government this Conference proposes to boycott the Commission completely.

(a) This Conference also requests Indians to have no connection, either social or political, with the Commission when it returns in October next and boycott all receptions that may be arranged for them.

(b) This Conference further requests that no committee be formed in the Assembly, Council of State or Provincial Legislatures to co-operate with the Commission and requests all to reject the formation of any such committee if it comes or any proposal for their expenses.

(c) This Conference further requests that no evidence either private or public be put before the Commission and to have no connection with them in any way.

(d) This Conference requests the Working Committee of the All-India Congress Committee that considering the present political situation of the country the Working Committee should see that without any special reason no member of the committee or any member of the Assembly leave India.

In moving the resolution Mr. B. K. Bose said that after accepting the independence resolution it was needless to say that any body would go to the Simon Commission to ask any favour. The first act of the Commission Drama was over. The members of the Commission came to India and went away. They would come again in October, but the Indians should see that the Commission was completely boycotted. They should now go to every member of the Bengal Legislative Council and appeal to them not to help the Government in forming Committee. If necessary they would offer Satyagraha at their places.

Sj. Mohitosh Roy Chaudhury moved an amendment to the effect that inasmuch as the success of the boycott movement required that all nationalist leaders should remain in India and the goal of independence, as decided by the Congress, was inconsistent with participation in the Empire Parliamentary Conference and as the Government of Canada was hostile to the people of India, the Conference requests the Indian delegates to the Empire Parliamentary Conference to abandon their projected visit to that country.

Mr. Bijoy Krishan Bose rose to a point of order and said that if the mover liked he could draft another resolution on that subject.

The President ruled that the mover was not in order in referring to the Indian leaders joining the Empire Parliamentary Commission.

Mr. Rai Chaudhury said that if the last portion of his amendment was ruled out of order he did not wish to move his amendment for the present.

The original motion was put to the vote and carried.

### 3.—India's Constitution.

Pro. Raj Kumar Chakravarty then moved :—

That this conference expresses its sincere thanks 'o the All-Parties' Conference which sat from time to time in Delhi with the noble purpose to frame a suitable constitution for India and requests all the parties to reach an agreed constitution by September next.

The motion was put to the vote and carried.

### 4.—Boycott of British Cloth.

Sj. Bankim Chandra Mukherjee then moved :—

That this conference requests all to boycott British goods, especially British cloth.

He said that if they could successfully boycott British goods there was yet hope for India. To attain political salvation they would have to make them strong and self-sufficient so as not to depend on other countries for anything and to do that they would have to sacrifice their luxury and that was not much in comparison with the political salvation for which they were all crying.

Sj. Hemendranath Das Gupta moved an amendment to the effect that the conference would urge to boycott British goods as a protest against the calculated insult which had been flung upon the people of India by sending an all-White Commission and also as a protest against detention of the youngmen of Bengal in jail without trial.

After some further discussion the mover withdrew his resolution and the amendment was carried.

### 5.—Take to Charka.

Sj. Satis Chandra Das Gupta moved :—

That in view of the fact that foreign cloth worth crores of rupees are being imported in this country and in view of the growing poverty of the people and in view of the fact that weavers of Bengal are threatened with destruction this Conference requests the people to take to Charka and Khadi and to revive lost cottage industries of the country.

Sj. Das Gupta in moving the resolution said that Charka would surely solve the problems for which they were all discussing day and night.

The resolution was put to the vote and carried.

#### 6.—Communal Unity.

Sj. Kamini Kumar Dutta (Comilla) then moved :—

(1) This Conference requests Hindus and Mahomemms to work together for the good of the country. (2) This Conference also approves of the Hindn-Moslem resolution adopted at the Madras Congress.

In moving the resolution he said that Hindu-Moslem unity was absolutely necessary for the attainment of Swaraj. There were many cases of Hindu-Moslem trouble in the country and for that neither of the party could be blamed. They have now realised their mistake and he hoped that there would be no more fight between Hindus and Musalmans for the benefit of third party.

Sj. Purushottam Roy and others seconded and supported the resolution which was carried.

#### 7.—Police Firing at Bamungachi.

Dr. Subodh Kumar Basu moved :—

This Conference strongly condemns the brutal firing on the unarmed and peaceful strikers of Lillooah nt Bamungachi and expresses its condolences for those killed and wounded. It also conveys its sympathy to the relatives of dead and wounded.

This Conference expresses its indignation at the action of the Government, who far from remaining neutral in the fight between Labour and Capital were trying to suppress the ngitation by opening fire as they have done in Bamungachi, Khargpur, Madras, Bombay and other places.

This Conference requests the Congress to take steps to make the Labour movement a success.

Dr. S. K. Bose in proposing the resolution said that those poor labourers wanted the increment of their wages and they got bullets in return.

Mr. Aftab Ali seconded the resolution which was put to the vote and carried.

#### 8.—Other Resolutions.

The following resolutions were also accepted :—

(1) To popularise Indian industries and make India self-supporting this Conference requests all people to use indigenous goods.

(2) This Conference requests all peasants of the province to curtail cultivation of jute by half on the ground that jute is the monopoly of Bengal and as no country can do without jute, the curtailment will not affect the people economically in the least whereas it would make them prosperous.

(3) This conference opines that a permanent volunteer corps be organised to carry out Congress work.

(4) This conference expresses its sympathy with those who are still rotting in jail in and outside Bengal under lawless laws without any trial and feels pride at the incarceration for the cause of the country.

(5) In accordance with the proposal of the All-Party Conference for the re-distribution of provinces on linguistic basis this conference requests the Bengal Provincial Congress Committee to take steps to include Manbhum, Singbhum, Santal Parganas, Sylhet, Cachar, Surma Valley and other Bengali speaking tracts.

(6) To improve the deplorable state of health of the Bengalee youths this conference requests every district congress committee to organise gymnasium for physical culture of the youths.

This finished the day's proceedings and after a short concluding speech by the President the Conference dispersed.

# The Punjab Provincial Conference

The 13th Session of the Punjab Provincial Conference commenced its session on the 11TH APRIL 1928 in a spacious pandal erected for the occasion in Jallian-wala Bagh at Amritsar under the Presidency of Pandit Jawahar Lal Nehru. The following are important extracts from the authorised English rendering of the address delivered in Hindusthani by the President :—

## The Presidential Address.

I have referred to industrialism and its effects on the modern world. Its evils are obvious enough and many of us dislike them intensely. But whether we like them or not we must realise that the spread of industrialism cannot be checked. Even in India it is taking giant strides and no country can stop its onward march. Must we also succumb to all the evils which come in its train or is it possible for us to adopt industrialism without its major evils? We must remember that industrialism means the big machine and the machine is but a tool to be used for good or ill. Let us not blame the tool if the man who holds it, misuses it and causes injury thereby.

### Imperialism in West.

In the West, industrialism has led to big scale capitalism and imperialism. Many of us who denounce British imperialism in India do not realise that it is not a phenomenon peculiar to the British race or to India, or that it is the necessary consequence of industrial development on capitalist lines. For capitalism necessarily leads to exploitation of one man by another, one group by another and one country by another. And therefore if we are opposed to this imperialism and exploitation we must also be opposed to capitalism as a system and to the domination of one country over another. The only alternative that is offered to us is some form of socialism, that is the State ownership of the means of production and distribution. We cannot escape the choice and if we really care for a better order of society and for ending this exploitation of man by man, we cannot but cast our weight on the side of socialism.

And if we so decide what consequences follow? The necessary result is that we must not only fight British dominion in India on nationalistic grounds but also on social and international grounds. This is all the more necessary as the modern form of imperial domination is not the old crude method of possession of territory but the subtler ways of economic imperialism. England may well permit us to have a large measure of political liberty but this will be worth little if she holds economic dominion over us. And no Indian, capitalist or socialist, if he appreciates the full significance of this new slavery, can willingly submit to it.

Another consequence that must follow our adoption of the socialistic view point is our changing all such customs which are based on privilege of birth and caste and the like. From our future society we must cast out all parasites and drones, so that the many who lack utterly the good things of life may also share in them to some extent. We must remember that poverty and want are no economic necessities; although under the present anarchic capitalist system they may be inevitable. The world and our country produce enough or can produce enough for the masses to attain a high standard of well-being but unhappily the good things are cornered by a few and the millions live in utter want. In India, the classic land of famine, famines are not caused by want of food but by the want of money to buy food. We have famines of money not food.

The third consequence will affect our international contacts and our international outlook. If we are opposed to imperialism and know that this is a phase of capitalism we must oppose the latter whenever we may meet it. England as a premier capitalist and imperialistic power becomes our chief opponent in this field also and there can be no effective competition between India and England so long as she does not come into line with modern progressive thought.

### India's Claim to Independence.

In the light of these considerations let us briefly examine the question of independence for India. Even if the National Congress has not pronounced in its favour, I am sure, that none of you would require to be converted to it. But some of our elders and friends

suffer strangely from various complexes and delusions and the British Empire is one of them. They cannot get out of the professions and habits of a life time, nor can they rid themselves of the chains of their own fashioning. What is the British Empire to-day the third British Empire as an ardent advocate has called it? If we leave out India and the dependencies it is like the famous Cheshire cat in "Alice in Wonderland" whose body has entirely disappeared and only the grin has remained. How long can this disembodied grin remain I leave to you to judge. The world has judged already and few imagine them it will endure long. The Empire is fast approaching dissolution and any world crisis may end it. The British people have shown extraordinary ability in adopting themselves to changing circumstances and to this they owe their strength and the long lease of power that they have enjoyed. But the world is moving too fast for them and recent events specially in relation to India, indicate that their old skill is gone. But whether the Empire endures or not how can India find a place in it when her national and international and economic interests conflict with it in almost every vital matter? We must recognise the internationalism of to-day and act internationally if we are to face realities. We cannot be independent in the narrow sense. When we win Independence we mean the severance of the British connection. Afterwards we can develop countries, including England. The British commonwealth in spite of its high sounding name does not stand for this international co-operation, and in its world policy has consistently stood for a narrow and selfish ideal and against the peace of world. If independence is our only and inevitable goal, we cannot in logic or in decency ask the British to protect us from other foreign countries. I am wholly prepared to accept the argument that if we want British help to defend our frontiers we are not fit for independence. But I wholly deny that we cannot face the risk of foreign invasion without British aid. No country is strong enough to-day, with the possible exception of the United States of America, to withstand a group of hostile countries. England certainly is not, but no one will say that England should therefore be deprived of her independence and put under alien control. The security of a country depends on many factors, on its relations with its neighbours, and on the world situation generally. If the problem of Indian defence is examined in the light of these factors, the strength of India becomes obvious. She has no great dangers to face and in a military sense she is by no means weak. But even if there was danger, it is shameful and cowardly to seek for help from a nation which has in the past and is to-day oppressing us and preventing all growth. Whatever independence may or may not mean and whether we use that word or another, the one thing that we must keep in the forefront of our programme is the immediate withdrawal of the British army of occupation from the country. That is the real test of freedom. Unless that takes place, all other talk is the merest moonshine.

#### Economic Pressure.

We may demand freedom for our country on many grounds but ultimately it is the economic one that matters. Our educated classes have so far taken the lead in the fight for Swaraj. The economic pressure on them was considerable and they were the only vocal elements. And so, the demand has taken the form occasionally of an Indianisation of services of higher posts being thrown open to Indians. They are not to blame for this demand. They have acted as every class conscious of its interests acts. But in doing so they have seldom paid heed to the needs of the masses. Whenever vital questions affecting the masses have arisen, they have been shelved, they have been asked to stand over till Swaraj has been attained. Why confine the issue now? It has been said we can settle our problem later. Like all class conscious groups they have considered themselves the most vital elements in the nation and in name of freedom have really sought to advance their own interests and many of our intellectuals have become the staunchest defenders of the privileges of Empire as soon as they have had their share of the titles and power.

What shall it profit the masses of this country, the peasantry, the landless labourers, the workers, the shopkeepers, the artisans—if everyone of the offices held by Englishmen in India to-day is held by an Indian. It may benefit them a little as they can bring more pressure to bear on them than on an alien Government. But fundamentally, their condition cannot improve until the social fabric is changed and I think that the only effective change can be the formation of a democratic, specialistic state. But even from the narrow point of view of our intellectuals it is now well recognised that no effective pressure can be brought to bear on the British Government without mass support. But in spite of this recognition there is fear of the masses and little is done. Mass support cannot come from vague ideals of Swaraj. It can only come when the masses realise what Swaraj means for them. Therefore it is essential that we must clearly lay down an

economic programme for the masses. This programme must have an ultimate ideal in view and must also provide for the immediate steps to be taken to bring them relief.

#### Our Ideal.

Our ideal thus can only be an independent democratic state, and I would add a socialistic state, and for this we must work. What can be our methods? This is a revolutionary change from the present condition and revolutionary changes cannot be brought about by reformist tactics and methods. The reformer who is afraid of radical change or overthrowing an oppressive regime and seeks merely to eliminate some of its abuses becomes in reality one of its defenders. We must, therefore, cultivate a revolutionary outlook, and that desires a radical and far reaching change and not merely the anaemic and halting outlook of the half-hearted reformer. The way of violence not being open to us in our present condition the only other course is, some form of intensive non-co-operation. Everything that goes towards creating a revolutionary atmosphere helps, everything that lessens it hinders. I use the word revolutionary in its proper sense without any necessary connection with violence. Indeed, violence may be and I think is to-day in India the very reverse of revolution. Acts of terrorism often have this counter revolutionary effect and for this alone, apart from any other reason, are injurious to the national cause. No nation has yet been built up on such individual acts of terrorism.

There was a great controversy in this country some years ago on the merits of council-entry and the echoes of it still linger. It almost became a creed, a religious issue, a matter of faith. But the sole test of this as of others is the reaction it produces on the national mind. I can quite conceive work in the councils helping us to produce the right atmosphere in some measure. But it will only do so if it is carried on in the right spirit and with the ideal always in view, not with a desire to pursue petty reformist tactics. I must confess, however, that the able and decorous parliamentarians who throng our councils cannot be mistaken for revolutionaries anywhere.

#### How to Eradicate the Communal Evil.

But you will tell me that all this may be very good but is very vague. The real problem before you is how to exorcise communalism. I have already indicated to you the kind of India that I should like to build up. There is no place for communalism or a dogmatic people in it. Communalism of course has to be fought ruthlessly and suppressed. But really I do not think that it is much a power as it is made out to be. It may be a giant to-day but it has feet of clay. It is the outcome largely of anger and passion and when we regain our temper it will fade into nothingness. It is really the creation of our classes in search of office and employment. How does the economic interest of a Hindu or Muslim or Sikh differ from each other? Certainly not, because they have to profess different faiths. It may be that if there is a vacancy for a Judgeship of a High Court or a like occasion the raising of the communal issue may profit an individual. But how does it generally profit the community. What does it matter to the Muslim whether a Hindu or a Muslim is a Judge at Lahore? Economic interests run along different lines. There is a great deal in common between Muslim and Sikh and Hindu Zamindars; and a great deal in common between the Muslim peasant and a Muslim Zamindar. We must, therefore, begin to think of and act on the line of economic issue. If we do so the myth of communalism will automatically disappear. Conflict there may be but it will be between different classes and not different religions.

What communal interests are sought to be protected? I think fundamentally they are cultural. Every country in this world has cultural minorities and it is a well-recognised principle that such minorities should have the fullest autonomy so far as their culture is concerned. So also in India every considerable cultural group should be given freedom and indeed should be encouraged to preserve and cultivate its culture. Only thus can we build up a rich and varied and yet common culture for India. Culture would include the question of language and education and schools.

#### Election by Economic Units.

If this cultural question is settled satisfactorily and sufficient safeguards are provided for the interests of minorities and group which may be in danger of suppression, what remains of communalism? If in addition we replace our system of territorial elections by some method of election by economic units we not only introduce a more efficient and progressive system but also do away with problems of joint and separate electorates and the reservation of seats.

It is generally recognised now, or it ought to be, that separate electorates which are meant to protect the interests of minorities really injure them and reduce their effective power in the state. If anybody should be against them it is the minority. But such is

the power of the myth that many of us have come to believe that separate electorates are a "valued privilege" which we must cling on to. I think a little clear thinking will convince any person who is not a bigot on the subject that separate electorates are not only a danger to the state but specially to the minority community. Personally I am not in favour of territorial election at all but if it is retained I am wholly opposed to separate electorates.

I do not fancy reservation of seats either on a communal basis but if this solution pleases people I would agree to it. We have to face realities and the fact remains that many people feel strongly on this subject. I am quite certain that any arrangement that may be arrived at will be of a provisional nature only. A few of us cannot bind down the future generations and I trust that those who come after us will cast upon all problems entirely free from all religious and communal taint. It is necessary however for such of us as do not believe in communalism and religion interfering with political and economic matters to take up a strong attitude now and not permit us extremists to have it all their way.

#### Simon Commission.

In the course of this fairly long address I have hardly referred to the Simon Commission. I have not done so partly because the problem we have to face is a much bigger one and partly because none of you here want any arguments from me to boycott it. That boycott is going to continue in spite of defections of weak-kneed individuals and of well meant attempts to "Bridge the gulf." The gulf will not be so easily bridged. And it is folly to deceive ourselves that it can be easily bridged. Before a new bridge is built on the basis of friendship and co-operation the present chains which tie us to England must be severed. Only then can real co-operation take place. It may be that a few of us are over keen even now to find a way to lead them to the pleasant and sheltered paths of co-operation. If so they are welcome there but they will be none of us. We shall carry on this boycott regardless of back sliders. But a boycott of the commission confined to public meetings and resolutions is the feeblest of methods. It is merely a confession of our weakness. How can we make it really effective.

A boycott of British goods has been suggested and we are fully entitled to have it. I hope we shall carry it on to the best of our ability. But we must know that such a general boycott justified as it is on sentimental grounds cannot take us far. The only real thing that can be boycotted is British cloth. Can we bring about an effective boycott of British cloth?

The present position stated roughly is, I believe, as follows. Our mills in India produce one third of the cloth consumed by us. Our handloom weavers produce another third, and we import from foreign countries the remaining third, of this over 80 per cent. is English.

#### Boycott of British Cloth.

There is a strong movement in the country to-day to boycott British cloth only. This is perfectly justified and if we could do so we would free the hands of England. But there is a serious danger of our failing to do so if we permit other foreign cloths to come in. British cloth will then creep in the guise of Japan or some other foreign cloth and it will be impossible both for the ordinary purchaser or the retailer to distinguish between the two. This practical difficulty seems to be insuperable and it would thus appear that in order to boycott British cloth we must boycott all foreign cloth. Another advantage this would bring us would be that Khaddar and mill cloths in India would compete for the boycott. If we favour other foreign cloths there will be no co-operation between the mills and the Khadi producer in India. We must therefore concentrate on the boycott of all foreign cloth though to-day it really means a boycott of British cloth. It means our displacing one third of the cloth we consume and which comes from foreign countries by cloth manufactured by us. This should offer no great difficulty if our khadi organisations and our cotton mills co-operate in the task instead of competing with each other. It is well known that khadi can be produced in almost unlimited quantities at short notice if there is a demand for it. Our mills even with their existing machinery can also greatly increase their output. Thus there is no doubt, that we are in a position to produce enough to boycott foreign cloth totally in the near future provided only the will to do so is present. It is for the public to express this will. If they do so all other difficulties will disappear. We cannot expect those who profit by the import of foreign cloth to feel enthusiastic over the boycott; it must cause loss to the importer and to others in the trade. But are we to sacrifice the interests of India and her millions for the sake of a handful of importers? Most of our mill owners also have not got good record. They have in the past sought to profit by national sentiment in



India, they have taken enormous dividends and yet have treated pitilessly the poor workers who were the foundations of their fortune. To-day instead of combating foreign cloth many of them are competing with coarse khadi and are thus profiting even by the khadi of the people. If they could see far enough and knew their real interests they would realise that their prosperity is bound up with the good will of the people and their whole hearted co-operation in the boycott would benefit them even more than it would do the nation as a whole. But this co-operation can only be based on full justice to the workers in their mills and a minimum of profit.

#### Co-operation of Mill-owners

An effective boycott is clearly possible with khadi and Indian mill cloth co-operating. Even if only few mill-owners are agreeable to our conditions, we can work with them and I am sure others will be drawn into our movement later. But if there is to be no co-operation with the mills what can we do then? Our duty is clear. We must by concentrating on khadi only to bring these misguided owners to reason and make the boycott of cloth as effective as we can.

I have in an earlier part of this address referred to the coming of industrialism to India and have stated that I believed it to be an inevitable process. I have no objection to the big or small machine and I think that properly used they can be made to serve man and not dominate over him. And yet I have advocated the use of Khadi also. I have done so because I am convinced that in our present condition in the future for some time khadi is a boon to the poverty-stricken millions of India. I cannot say if Khadi will be necessary for us in the distant future. But I can say that to-day it supplies a very real want and wherever it has been produced it has brought a treasure of well-being in its train. The theory of its being an ideal auxiliary to agriculture would prove this, but if there was any doubt our experience and the evidence of our eyes has removed it utterly. To bring immediate relief to our long suffering peasantry, to make India more self-sufficient in the matter of cloth in the near future, to make the boycott of foreign cloth successful, khadi to-day is essential. The necessity for khadi is even greater in case of war or crisis when automatically foreign imports will cease. How can we satisfy our needs then? Our mills will make vast profits, prices of cloth will soon go up and our poor will practically have to go naked. Only Khadi will meet the situation there. It will supply the growing demand and will force the mills to keep their prices down. So even from the point of view of war khadi is a necessity.

#### Punjab's Duty.

But if war comes, and every thing indicates that it will come before long, we shall have to face other and more vital problems than that of cloth. The Madras Congress has given us a lead in this matter and it is for this province to ponder over this lead, for the real burden of action will fall on the Punjab. You and your gallant soldiers have been exploited enough in the past, not in India only, but in the four quarters of the world. Even to-day they are made to do the dirty work of British Imperialism in China, in Persia and in Mesopotamia, and they are used to suppress people who are our friends and neighbours and who have done us no harm. It is time that we put an end to this shameful exploitation of the courage of our manhood. We are told that we are not capable of defending our country against the foreign invaders, but our soldiers are capable enough of defending the British Empire in Europe, in Asia and in Africa. You know how our man power and our wealth was exploited by the British Empire during the last war. You know also the measure of the return that we got for our help. It was the Rowlett Act and Martial Law in the Punjab. Are you prepared to be deluded again, to be exploited again and to be thrown into the scrap heap again? Wise men, they say, profit by the failures and experience of ordinary men, by their own experience and fools by neither. We may not be very wise, but let us not be fools either. Let us make up our minds now that we shall do when a crisis comes, let us decide that whatever else we may or may not do we shall not permit ourselves to be exploited by British imperialism. Let us say with the Madras Congress that if the British Government embarks on any warlike adventure and endeavours to exploit India, it will be our duty to refuse to take any part in such a War or to co-operate with in any war whatsoever.

This will be no easy matter. It will mean our having to face and endure perilous hardships. But if we have the courage to face them and the capacity to endure them to the end, and the statesmanship not to compromise, we shall emerge triumphant from the ordeal and our dear country which has so long suffered alien domination will be free again.

# THE PUNJAB PROVINCIAL CONFERENCE [AMRITSAR]

## Proceedings and Resolutions.

SECOND DAY—12TH APRIL 1928.

The second day's proceedings of the Conference commenced at 1 p.m. in the afternoon, audience being larger than yesterday.

Resolutions paying tribute to the memory of Hakim Ajmal Khan, expressing sympathy with the Kakori prisoners and other political prisoners and congratulating Baba Gurdit Singh of the Komagata Maru fame on his recent arrest were put from the Chair and carried unanimously.

Dr. Satyapal then moved the following resolution:—

"This Conference cordially welcomes the resolution of the Indian National Congress on independence and is of opinion that there can be no real freedom for India till British connection is severed and India completely controls her economic, military and foreign policy. In particular this conference is of opinion that the British army of occupation in India must forthwith be withdrawn."

The resolution was seconded by Sardar Gopal Singh and being supported by others was unanimously adopted.

Following resolutions were also adopted:—

"This Conference draws special attention of the people of the Province to the "war danger" resolution of the Madras Congress and to the extensive war preparations which the British Government is carrying on in the North West Frontier of India. The Conference calls upon the people to stand by the Congress declaration in case of such war and to refuse to take any part in it.

"This Conference strongly condemns the vindictive treatment meted out by the Government of India to the Maharajah of Nabha. The Conference believes that the Maharaja of Nabha is being persecuted because of his sympathies with national movement in general and Akali movement in particular. The policy of the Government to separate the young prince of Nabha from his parents is in the opinion of this Conference cruel and inhuman.

"This Conference expresses its heartfelt sympathy with the Maharaja and his family in their troubles".

Dr. Shaik Muhammad Alam moved the following resolution which was passed:—

"That this conference condemns the attitude of the Government in not gazetting the name of Malik Lalkhan who was elected president of the municipal committee, Gujranwalla".

Dr. Alam explained that the Government's action was due to the fact that Malik Lalkhan was a nationalist and did not take part in the reception to the Simon Commission.

A resolution for putting up a tablet with the names of the martyrs in Jallianwalla Bagh was put from the chair and passed. The Government was condemned for not granting passports to Sardars Kharak Singh, Mangal Singh and Haracharan Singh for going abroad on private business. Recommendation was made to the Congress in a resolution to utilise the services of the exiled patriots for propaganda in the cause of Indian independence. The conference then adjourned.

THIRD DAY—13TH APRIL 1928.

The Conference adopted to-day the following further resolutions:—

"This conference expresses its deep regret at the sad demise of Mr. Harchandrai Vishandas who died at Delhi while faithfully discharging his duty and conveys heartfelt condolence to members of his family".

"This conference is of opinion that the only effective means at present available of demonstrating the united strength of the nation lies through boycott of foreign cloth. The Conference therefore urges all concerned completely to boycott foreign cloth and adopt handspun and handwoven Khadi".

"This conference denounces and condemns the action taken by Government regarding the release and treatment of martial law prisoners, conspiracy case prisoners who were tried and convicted by the special tribunal set up in Punjab in 1914 and 1916, all of

whom have already served out their legal sentences, Bengal detenus and all other political prisoners and detenus incarcerated in Indian jails".

"This conference welcomes the resolution of the Madras Congress relating to boycott of British goods and requests the Provincial Congress Committee to take immediate action on it".

"This conference fully supports the national boycott of the Simon Commission and resolves to carry it on at every stage and in every form as directed by the National Congress and to tolerate no deviation from the principle of self determination in its application to India and no recognition of the right of the British Parliament to determine India's future".

"This conference congratulates the people of the Provinces on boldly carrying out the mandate of the Congress by organising boycott of the Commission, despite all opposition and repression on behalf of the Government. The conference condemns the action of members of the Provincial Legislative Councils and those municipal and district boards and individuals who betrayed the nation's cause by co-operating with the Commission and recommends to the electors to demand resignation of all such representatives. The Conference requests the Provincial Congress Committee to organise an intensive campaign for the boycott by means of tours and otherwise to make it thoroughly effective.

"The Punjab Provincial Conference emphatically declares its unshakable faith that the Indian National Congress, the Parliament of India, is the only political organisation which is the final authority for deciding all political differences and to frame a constitution and no other body has any right to interfere matters which fall within the jurisdiction of the Congress and thus weaken the prestige of the National parliament.

Complete Independence by "All Possible Means".

Dr. Satyapal moved the following resolution:—

"This Conference recommends to the Indian National Congress to change article 1 of the Constitution as follows:—The object of the Indian National Congress is the attainment by the people of India of complete Independence outside the British Empire by all possible means."

Sardar Mangal Singh opposing said the term "all possible means" was ambiguous and included violence for which the country was not prepared. There was a prolonged discussion for over two hours.

Lala Dunichand of Ambala, Lala Raizada Hansraj and Dr. Kitchlew opposed it. Dr. Kitchlew observed that as long as the country was not ready and prepared to take to armed revolution it was no use passing the resolution and that Mahatma Gandhi's method of non-violent resistance was best suited to the present circumstances.

The President called for a division which resulted in the resolution being carried by 74 against 56.

The Conference also passed to-day a resolution expressing sympathy with the Dhariwal workers in their fight against the employers' demands.

In his concluding speech Pandit Jawaharlal Nehru recapitulated the proceedings of the conference and thanked the delegates and congratulated the volunteers on their splendid work.

Dr. Satyapal thanked the Reception Committee and the President on behalf of the delegates. The Conference dispersed at 10 o'clock at night.

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# Maharashtra Provincial Conference

The Sixth Session of the Maharashtra Provincial Conference opened at Poona on the 3RD MAY 1928 under the presidency of Sj. Subhash Chandra Bose. Proceedings opened with "Bandemataram." Mr. S. M. Paranjpe then delivered his welcome address.

Mr. N. C. KELKAR proposing Sj. Subhas Chandra Bose to the chair stated that the Reception Committee in selecting the President had to consider his personal virtues, relations between his province and our province, his position without the province and his relations with Government. In these respects they found that Sj. Subhas Chandra Bose was qualified for the presidentship. Subhas Babu succeeded Deshabandhu Das as the leader in Bengal. He did not boast but quietly showed worth through actual deeds. Bengal and Maharashtra have been compared sister provinces. His relations with the Government were well-known. He resigned the Civil Service and was sent to jail. He was among the first to receive the attention of the Government in pursuance of their policy in cutting off tall poppies. An old saying in India has been that a member of the Indian Civil Service should be neither Indian, nor civil, nor servant and Subhas Babu, if he continued to be a member would have proved an exception. Subhas was a Karmayogi, a disciple of Lokamanya Tilak. Our unity must last for ever and not until the Simon Commission boycott continued.

## The Presidential Address.

Mr. BOSE then rose to deliver his presidential address which was received with deafening and prolonged applause. The following are important extracts from his speech :—

The charge has often been levelled against us that since Democracy is an occidental institution, India by accepting democratic or semi-democratic institutions is being westernized. Some European writers—Lord Ronaldshay for instance—go so far to say that democracy is unsuited to the oriental temperament and political advance in India should not therefore be made in that direction. Ignorance and effrontery could not go future. Democracy is by no means a western institution—it is a human institution. Wherever man has attempted to evolve political institutions—he has hit upon this wonderful institution—democracy. The past history of India is replete with instances of democratic institutions. Mr. H. P. Jayaswal in his wonderful book "Hindu Polity" has dealt with this matter at great length and has given a list of 81 republics in Ancient India. The Indian languages are also rich in terminology required in connection with political institutions of an advanced type. Democratic institutions still exist in certain parts of India. Among the Khasias of Assam, for example, it is still the custom to elect the ruling chief by a vote of the whole clan—and this custom has been handed down from time immemorial. The principle of democracy was also applied in India in the Government of villages and towns. The other day while visiting the Varendra Research Society Museum at Rajshahi in North Bengal, I was shown a very interesting copper-plate inscription in which it was stated that civic administration in the good old days was vested in a Committee of five, including the Nagar-Sreshthi (i. e. our modern Mayor). With regard to village self-Government it is not necessary to remind an Indian audience about the village Panchayets—democratic institutions handed down to us from days of yore.

Not only democracy but other socio-political doctrines of an advanced character were not unknown to India in the past. Communism, for instance, is not a western institution. Among the Khasias of Assam, to whom I have referred above, private property as an institution does not exist in theory even to-day. The clan as a whole owns the entire land. I am sure that similar instances

can still be found in other parts of India and also in the past history of our country.

The problem that have confronted the human race in different ages and in different climes—and the solutions that have been invented are about the same all the world over. Centuries ago the Greek philosophers laid down the dictum that political evolution follows a cycle course. Monarchy is followed by aristocracy or oligarchy which in turn is followed by democracy. Democracy is sometimes overtaken by anarchy and there is then a return to one-man rule. If the above dictum is taken in a general way it will probably hold good not of Greece or Europe alone but of the whole world. We, who represent one of the most ancient living civilizations of the world, have through the ages witnessed in our land the rise and fall of political institutions of all types. The fact that during the centuries preceding the advent of the British there was a powerful reaction in favour of autocracy or one-man rule—is no ground for saying that democratic institutions were unknown to India and are unsuited to the Indian temperament.

#### Nationalism and Internationalism.

I think it necessary at this stage to warn my countrymen, and my young friends in particular, about the attack that is being made on Nationalism from more than one quarter. From the point of view of Cultural Internationalism, Nationalism is sometimes assailed as narrow, selfish and aggressive. It is also regarded as a hindrance to the promotion of internationalism in the domain of culture. My reply to the charge is that Indian nationalism is neither narrow, nor selfish nor aggressive. It is inspired by the highest ideals of the human race, viz. Satyam (The True), Shivam (The Good), Sundaram (The Beautiful). Nationalism in India has instilled into us truthfulness, honesty, manliness and the spirit of service and sacrifice. What is more, it has roused the creative faculties which for centuries had been lying dormant in our people and as a result we are experiencing a renaissance in the domain of Indian Art. Without the magic touch of the breath of liberty, what would have been the fate of our art and culture?

There is another point I would also urge in reply. Though there is a fundamental unity underlying human art and culture, it has to be admitted that art and culture have distinctive types. It is not by obliterating these differences and introducing dull uniformity that art and culture can be best promoted. I would rather maintain that it is only by developing these distinctive types along distinctive channels that human civilisation can be enriched. Unity we must have—but true unity can manifest itself only through diversity. Nationalism, to my mind, far from hindering the growth of art and culture acts as a most powerful incentive. Moreover, it is only by liberating India from the domination of alien ideals and methods that we can expect Indian art and culture to develop along distinctive channels in the light of our age-long ideals.

Another attack is being made on nationalism from the point of view of International Labour or International Communism. This attack is not only ill-advised but unconsciously serves the interests of our alien rulers. It should be clear to the man in the street that before we can endeavour to reconstruct Indian society on a new basis—whether socialistic or otherwise—we should first secure the right to shape our own destiny. As long as India lies prostrate at the feet of Britain that right will be denied to us. It is therefore the paramount duty not only of nationalists—but of all anti-nationalistic communists—to bring about the political emancipation of India as early as possible. When political freedom has been attained, it will then be time to consider seriously the problem of social and economic reconstruction. As far as I am aware this is also the opinion of prominent communists in other lands. To introduce fresh cleavage within our ranks by talking openly of class-war and working for it—appears to me at the present moment to be a crime against Nationalism. To what straits we may be reduced by a mal-assimilation of Karl Marx and Bakunin becomes manifest when we come across a certain class of Indian labourites (or communists, if you call them so)—who openly advocate the use of British or foreign cloth on the plea of Internationalism.

I hope I have said nothing which would in any way minimise the importance of the Labour movement in India. My object on the other hand is to clear up all misunderstanding between Labour and Nationalism and to pave the way for a rapprochement and a coalition between the organised forces of Labour and Nationalism. In this connection we would do well to take a leaf out of recent Irish History.

Nationalism is not in any way opposed to Internationalism; the latter rather presupposed the former. I believe in Internationalism as firmly as anybody else but I also maintain that the approach to Internationalism must necessarily be through the gates of Nationalism. Internationalism whether in the cultural or in the political sphere is possible only when distinctive cultures have first been produced or separate nationalities brought into existence. The fabric of internationalism can be built only on a federal basis and federations—we shall all agree—exemplify the principle of unity in diversity. My conception of Internationalism is a federation of cultures on one side and a federation of nationalities on the other. By developing our national culture and working for India's freedom we are really making India fit for internationalism. I would also like to add in this connection that India seems to me to be an epitome of the world. Through her the world-problem is struggling for a solution. When the synthesis of culture and the federation of self-governing states becomes a 'fait accompli' in India—it will be an object lesson to all the nations.

#### Labour and Nationalism.

I have already hinted that I desire to plead for a coalition between Labour and Nationalism. (I am using Labour here in a wider sense to include peasants as well.) It has to be admitted that though we have passed resolutions from the Congress platform time and again regarding Labour, much has not been achieved in that direction. This has been due mainly to two reasons. In the first place we have not been able to produce a sufficient number of workers who are fit—physically, intellectually and morally—for work among our Labour. Further, those who have gone in for this sort of work have had reason to complain of a certain amount of apathy on the part of Congressmen in general. In the second place, it has to be admitted that in our programme we have not always been able to include items, the promotion of which would 'ipso facto' further the interests of labour. In all countries under the sun comparatively few men desire freedom for its own sake—while the majority join the freedom movement because freedom is the panacea of their earthly ills. Personally I have no doubt in my own mind that we can free India from her economic bondage only after we have made her politically free and that is why I believe that all those who desire India's economic emancipation should swell the ranks of the Indian National Congress and liberate India from foreign yoke.

If we review the programme of the Congress during the last few years we shall find that only in our Khadi programme have we been able to offer something to our masses which would mean bread and butter to them. Khadi, I am glad to say, has brought food to thousands and thousands of hungry mouths all over India. Given money and organization, there is plenty of scope for pushing on Khadi. There are lacs and lacs of poor Indians living on the verge of starvation to whom Khadi can offer a means of subsistence. But the appeal of Khadi cannot be universal. We find from bitter experience in some parts of Bengal that as soon as the masses are a little better off, their Charkas lie idle:—and that the peasant who gets a better return from paddy or jute cultivator will refuse to cultivate cotton. In the same province where uniform conditions prevail, Khadi does not make much headway in those tracts which are less poverty stricken. In other words, as long as the economic condition of the masses is below a certain level they gladly take to the spinning wheel—but when that level is reached they have a tendency to look out for more lucrative employment whether in agriculture or in industry.

Except when Congressmen have joined the Kishan movement as in U. P. or have taken up the question of jute cultivation as in Bengal or have undertaken a campaign for non-payment of taxes in order to resist illegal taxation or oppressive legislation as in Gujerat—we have seldom been able to make a direct

appeal to the interests of the masses. And until this is done—human nature being what it is—how can we expect the masses to join the freedom movement?

There is another reason why I consider it imperative that the Congress should be more alive to the interests of the masses. Mass consciousness has been roused in India—thanks to the extensive and intensive propaganda undertaken during the non-co-operation movement—and the mass movement cannot possibly be checked now. The only question is along what lines mass consciousness should manifest itself. If the Congress neglects the interests of the masses it is inevitable that sectional—and if I may say so, anti-national—movements will come into existence and class-war among our people will appear even before we have achieved our political emancipation. It would be disastrous in the highest degree if we were to launch on a class-war while we are all bed-fellows in slavery, in order that we may afford amusement to the common enemy. I regret to say that there is at present a tendency among some Indian labourites to belittle the Congress and to condemn the Congress programme. This recrimination should cease and the organised forces of Labour and of the Congress should join hands for furthering the economic interests of the masses and promoting the causes of India's political emancipation.

I doubt if it would be possible to lay down a uniform programme for the whole India which would attract the masses by making a direct appeal to their economic interests—because the conditions vary so much in the different provinces. But even if a uniform programme be not possible—each provincial Congress Committee can and should draw up a programme for itself. What this programme should be will depend on the conditions prevailing in such province.

#### The Communal Problem.

While I do not condemn any patch-up work that may be necessary for healing communal sores I would urge the necessity of discovering a deeper remedy for our communal troubles. India is like a vast stream flowing down the banks of time and fed by culture—streams from different quarters at different points in her life's career. If we are to have a true conception of India we should follow with our minds' eye the whole course of Indian History and, as it were, live through the experiences of our fore-fathers from time immemorial up to the present day. We shall then recover our historic consciousness and realise that India has been charged by Providence with the mission of solving a world problem viz. the problem of unifying separate ethnic groups, harmonizing different interests and points of view and synthesising different cultures. Out of this apparent chaos we have to evolve cosmos—through this bewildering diversity we have to search for a fundamental basis of unity. The magnitude of this task is sufficient to appeal to any other people but an ancient and undying race like ours need not be frightened or discouraged.

From this point of view it will be clear that India has a place for Islam—as for every other religion. It is necessary for the different religious groups to be acquainted with the traditions, ideals and history of one another—because cultural intimacy will pave the way towards communal peace and harmony. I venture to think that the fundamental basis of political unity between different communities lies in cultural rapprochement and as things stand to-day, the different communities inhabiting India are too exclusive.

In order to facilitate cultural rapprochement, a dose of secular and scientific training is necessary. Fanaticism is the greatest thorn in the path of cultural intimacy and there is no better remedy for fanaticism than secular and scientific education. Secular and scientific education is useful in another way in that it helps to rouse our "economic" consciousness. The dawn of "economic" consciousness spells the death of fanaticism. There is much more in common between a Hindu peasant and a Muslim peasant than between a Muslim peasant and a Muslim Zemindar. The masses have only got to be educated wherein their economic interests lie and once they understand that, they will no longer consent to be pawns in communal ends. By working from the cultural, educational and economic side, we can gradually undermine fanaticism and thereby render possible the growth of healthy nationalism in this country.

## Youth Movement.

One of the most hopeful signs of the times is the awakening among the Youth of this country. The movement has spread from one end of the country to the other and, as far as I am aware, has attracted not only young men but young women as well. The Youth of this age have become self-conscious; they have been inspired by an ideal and are anxious to follow the call of their inner nature and fulfil their destiny. The movement is the spontaneous self-expression of the national soul and on the course of this movement depends nation's future weal. Our duty therefore is not to attempt to crush this newborn spirit—but to lend it our support and guidance. If we want to rouse the divinity in man, to awaken the infinite power and energy which lie dormant within him—we have to infuse into him the desire for freedom. The desire for freedom is the fountain head of all inspiration, the secret spring of all our creative faculties. When a man is intoxicated with the desire for freedom his whole aspect changes—as does Nature under the magic influence of Spring and, he goes through a process of complete transfiguration. We then begin to marvel at the personality he develops and the power that he wields.

Friends, I would implore you to assist in the awakening of Youth and in the organization of the Youth movement. Self-conscious Youth will not only act, but will also dream; will not destroy but will also build.

It will succeed where even you may fail—it will also create for you a new India and a free India—out of the failure, trials and experiences of the past. And believe me, if we are to rid India once for all of the canker of communalism and fanaticism we have to begin work among our Youth.

## Are we Fit for Swaraj?

Our benign rulers and our self-appointed advisers are in the habit of lecturing day after day on our unfitness for Swaraj. Some say that we must have more education before we can hope to be free; others maintain that social reform should precede political reform; still others urge that without industrial development India cannot be fit for Swaraj. None of these statements is true. Indeed it would be far more true to say that without political freedom i.e. without the power to shape our own destiny we cannot have either compulsory free education or social reform or industrial advancement. If you demand education for your people as Gokhale did long ago the plea is put forward by Government that there is no money. If you introduce social legislation for the advancement of your countrymen you find Miss Mayo's cousins on the other side of the Atlantic arrayed against you and on the side of your social die-hards. When you are working yourself to death in order to bring about the economic and industrial regeneration of India you find to your infinite regret and surprise that your Imperial Bank, your railways and your Stores Departments are least inclined to help your national enterprise. You pass resolutions in your municipalities and in your Council in favour of Prohibition and you find that the Government meets you with a stone-wall of indifference or hostility. You are a philanthropist administering relief in famine-stricken areas and you find it impossible to prohibit the export of foodstuffs while your countrymen die in shoals for want of food.

I have no doubt in my own mind that Swaraj and Swaraj alone is the sovereign remedy for all our ills. And the only criterion of our fitness for Swaraj is the will to be free. As a people we lack nothing that is necessary for winning and preserving our liberty except this national will. Compare India with China, Turkey, Persia, Afghanistan, Bulgaria, Czech-Slovakia, Roumania, Russia etc., and you will agree that we are inferior to them in nothing—in fact we are superior to them in many respects except in moral fervour, in our desire to be free. The moment this will is roused in our people, the chains of bondage will break. British rule in India still rests on the co-operation of the people and a large section of the British people earn a living because we in India consume the goods that they manufacture. We have only to withdraw our co-operation in India to cease buying British goods and the collapse of the bureaucracy will be immediate and complete. Non-co-operation and boycott on a national scale will be possible only when the national will is roused.



## Modus Operandi.

How to rouse the national will within the shortest period possible is then the problem before us and our policies and programme have to be drawn up with a view to this end. The Congress policy since 1921 has been a dual policy of destruction and construction, of opposition and consolidation. We feel that the bureaucracy has entrenched itself in this country by creating a net work of organizations and institutions and by appointing a hierarchy of officials to run them. These institutions are the seats of bureaucratic power and through them the bureaucracy has a grip on the very heart of the people. We have to storm these citadels of power and for that purpose we have to set up parallel institutions. These parallel organizations are our Congress offices. As our power and influence increase through the organization of Congress Committees we shall be able to capture the bureaucratic seats of power. We know from personal experience that in districts where Congress Committees are well-organized, the capture of local bodies has been possible without any difficulty. The Congress offices are therefore the forts where we have to entrench ourselves and whence we have to stir out every day in order to raid the bureaucratic citadels. Congress Committees are our army and no plan of campaign, however skilfully devised, can succeed unless we have a strong, efficient and disciplined army at our command.

I regret to say that confusion of the thought some times manifests itself within our ranks particularly when we begin to consider policies and programmes. We are apt to forget that there is a general plan of campaign which is the basis of all our activity and which we cannot by any means neglect—unless we desire to jeopardize all chances of success. This plan of campaign is the dual policy referred to above of political propaganda among the masses and with it, the removal of untouchability and intemperance, propagation of Khadi, establishment of arbitration tribunals and national schools—and of capture of local bodies and legislatures. The former will facilitate the capture of bureaucratic seats of power and the latter will in turn assist and strengthen all our work in the country—whether of a constructive or of an oppositionist character.

If we neglect the organisation of Congress Committees or our general plan of campaign we can be sure of bringing on a political slump in the country. And when we are in the midst of a depression—large doses in the shape of advanced measures will not produce any re-action. We have to remember that programmes like that of boycott of British goods are, as it were, sorties in a general campaign and these sorties of spurts are possible only when the army itself is fit and efficient. The efficiency of the national army can be maintained only by keeping up a spirit of resistance among our people. This spirit of resistance will strengthen our national morale and stimulate work in the country and in the local bodies and legislatures.

Friends, you will remember that when after the Gaya Congress of 1922 there was a tendency among a large section of our Congressmen to concentrate wholly on the constructive programme to the exclusion of everything else, Deshbandhu Das pointed out in the manifesto of the Swaraj Party that it was absolutely necessary to keep up a spirit of resistance to the bureaucracy. Deshbandhu firmly believed that without an atmosphere of opposition it was not possible to push on the constructive programme or to achieve success in any other direction. But this basic principle we often seem to forget. "Non-co-operation is barren"—"opposition has failed"—"obstruction is fruitless"—these are catch-words which mislead the unwary public. The most tragic element in our character is that we do not look ahead; we are easily upset by failures. We lack the dogged tenacity of John Bull—and unlike him we cannot therefore fight a losing game. We do not realise that during the Great War it was the tenacious nibbling policy of French's contemptible little army in the midst of a most hopeless situation which made subsequent victory possible. I, therefore, say that opposition to Government is never futile—it is the psychological basis of the nationalist movement. Through opposition alone has the principle of nationality asserted itself over and over again in history. It is only by uniform, consistent and continuous obstruction that we can keep up an atmosphere of resistance to the

bureaucracy and develop that moral stamina, lack of which is the one psychological cause of our degradation and slavery. I ask you—how can an invertebrate subject race develop a moral backbone except by prolonged and consistent opposition to Government?

The End.

I have often been asked how the end will come—how the bureaucracy will ultimately be forced to accede to our terms. I have no misgivings in this matter for I have already had a foretaste of what will come. The movement will reach its climax in a sort of general strike or country-wide hartal coupled with a boycott of British goods. Along with the strike or hartal to bring about which, Labour and the National Congress will heartily co-operate, there will be some form of civil disobedience, because the bureaucracy is not likely to sit idle while a strike is going on. It is also possible that there may be non-payment of taxes in some form or other but this is not essential. When this crisis is reached, the average Britisher at home will feel that to starve India politically means economic starvation for him. And the bureaucracy in India will find that it is impossible to carry on the administration in the face of a country-wide non-cooperation movement. The jails will be full, as in 1921, and there will be generally demoralization within the ranks of the bureaucracy who will no longer be able to count on the loyalty and devotion of their servants and employees. There will be a paralysis of the administration and possibly of foreign trade and commerce. The bureaucracy will consider the situation as chaotic—but from the point of view of the people, the country will be organised, disciplined and determined. The bureaucracy will then be forced to yield to the demands of the peoples' representatives—for saving themselves from unnecessary trouble and anxiety and for restoring their trade with India.

I am an optimist and I feel that though we should be prepared for the worst, we can also hope for the best. I, therefore, think that it is just possible that the movement may not have to be carried on to its logical conclusion. It is possible that Great Britain has profited by the lessons of history. It is possible that the internecine struggle with Ireland ending in England's final capitulation is still green in the minds of the British politicians. And it is possible that the remarkable words of Mr. Ramsay MacDonald are still ringing in the ears of Britishers—"India is determined to be free with our help if possible, without our help if necessary". It is therefore possible that if united India meets Great Britain with an agreed constitution as her minimum demand, the latter will find it more prudent and more paying, in the long run, to adopt a statesmanlike course and to accept and ratify that constitution. But I wish to make it perfectly clear that if for any reason the All-Parties Conference does not prove to be as successful as we wish it to be—the Congress will formulate its own demands and will carry on the movement to its logical conclusion.

## Proceedings and Resolutions.

### Release of Bengal Detenus.

After the Presidential Address was over the Conference adopted a resolution put from the Chair demanding the release of Bengal detenus, removal of restrictions on Dr. Savarkar, condemning the enhancement of revenue assessment in Bardoli, Alibag and other districts, called upon the Government of Bombay to suspend the operations of the revision of assessment and make proper amends by way of compensation in the Talukas in which enhancement has already been effected.

### Sympathy with Mill-Strikers.

Another resolution expressed sympathy with Bombay and Sholapur mill strikers, condemned the firing on them and supported the demands formulated by the Joint Strike Committee.

Another resolution expressed the disapproval of the Small Holdings Bill which was designed to prevent fragmentation and promote consolidation of land and called upon the Bombay Legislative Council to throw out the Bill.

A number of supporters of the Bill opposed the resolution but had to run the gauntlet of hostile interruptions. The resolution was eventually passed by an overwhelming majority. The Conference then adjourned.

### SECOND DAY—4TH MAY 1928.

Re-assembling this morning the Conference adopted a resolution expressing the opinion that in the interests of both the rulers and the people of the Indian States they should establish at an early date representative institutions and responsible government.

#### Bardoli Satyagraha.

By the next resolution the Conference fully approved Satyagraha being offered against the enhancement of land revenue at Alibag, Pen, Deogad and Bardoli, congratulated the leaders of the movement and asked the people of Maharashtra to help in the fight.

#### Boycott of Simon Commission.

A lively discussion followed on the resolution that as the British Government appointed the Statutory Commission in utter disregard of India's right of self-determination the Conference called upon Maharashtra to boycott it and have nothing to do with it at any stage and in any form.

Mr. Divekar, seconding the resolution, referred to the circular issued by Mr. S. R. Bhagwat, Secretary to the Local Self-Government Institute, inviting attention to the Simon Commission's request that the local bodies should submit memoranda and requesting those bodies to prepare their case. Mr. Divekar condemned Mr. Bhagwat's circular as a mischievous attempt to get behind the country's verdict on the question.

Mr. Bhagwat rose to support the resolution and explained that his circular only asked the local bodies to examine the position and form a case, not necessarily for submitting to the Simon Commission. It might also be submitted to the National Congress, for instance.

There were hostile interruptions at this stage, some delegates demanding that Mr. Bhagwat should circularise the local bodies again, asking them to submit memoranda to the Congress.

Mr. Bhagwat replied that the question of attitude to be adopted towards the Commission would be decided at the Local Bodies Conference to be held shortly. He could not, therefore, anticipate that decision.

Other delegates declared that since Mr. Bhagwat supported the boycott resolution there was no point in trying to censure him.

Eventually the president put the motion which was carried unanimously.

Another resolution was that as a step towards the attainment of India's goal and protest against the appointment of the Simon Commission the conference called upon the Congress Committees in Maharashtra to start a vigorous propaganda to boycott British cloth, yarn and other goods.

A resolution urging a vigorous propaganda in favour of Swadeshi cloth and goods, with special emphasis on khaddar was also passed.

Strong condemnation of the Bombay Government's excise policy and declaration of the faith in total prohibition were made in the next resolution. The speakers on this resolution condemned Government's action in giving up the proposed prohibition experiment in Satara.

The next resolution called upon each District Congress Committee to form a volunteer corps.

Other resolutions, put from the chair, urged the need of special attention to detailed study of the economic and social condition of the villages and making a sustained and concerted effort to reorganise them and appointed a propaganda committee consisting of five members to give effect to the resolutions of the Conference and undertake a programme of national work.

In his concluding remarks Mr. Bose congratulated the Conference on successful session which had restored unity within the ranks of Congressmen in the province and agreed to a common policy and programme.

# The Kerala Provincial Conference.

The Fourth Session of the Kerala Provincial Conference commenced its sitting on the 28TH MAY 1928 at Panyanur, a village in Tellicherry in the Madras Presidency where a spacious and a very beautiful pandal had been erected for this purpose.

The proceedings of the Conference commenced at 2 with the singing of national songs. About 500 delegates attended. Pt. Jawaharlal NEHRU, President, in the course of his speech said :—

"India has little in common with England and her economic interests conflict in almost every particular with those of England. An imperial bond between the two can only be an enforced union productive of ill-will and continuous friction and must of necessity be to the advantage of England."

## Independence Resolution.

For the present however, the union must necessarily be the union of the lion and the lamb with the lamb inside the lion. This is evident if we study the relations of England with other countries like China, Persia, Mesopotamia and Egypt. She has opposed all attempts at freedom of all these countries and only recently we had an amazing example of her imperial policy in Independent Egypt. Even in regard to the countries of Europe, she is acknowledged to be the main obstacle to world peace and co-operation. It is inconceivable therefore that India can have only a real measure of freedom within the limits of the British Empire and you will welcome, I am sure, the resolutions of the Madras Congress laying down our goal as complete national Independence. This does not mean ill-will to England or to any other country, but it is a condition precedent to our future growth and to the development of peaceful relations with other countries including England. The Madras Congress resolution is important specially because it attacks the psychology of submission and slavery and helplessness which generations of foreign rule have developed in us. It prepares our minds for the will to be free without which freedom cannot come even to-day. There are so many of us who take an academic interest in Indian freedom who whilst they talk of freedom feel no inner urge for it. Doubts and difficulties assail them and fear born of a slave psychology hampers their efforts. We are told of the dangers that India may have to face in the event of England leaving us to our own resources, of the fear of foreign invasion and of our inability to cope with it, but is not realised that the strength that succeeds in enforcing India's will on England will also succeed in protecting India from other foreign incursions. It is not felt keenly enough that we are even now suffering under a foreign invasion and the future cannot bring any greater disaster to us. Not to get rid of our present domination because of future problematical dangers is the height of fear and weakness. But what external dangers will face us when the British leave India? We have an Indian army brave and efficient, well tried in many continents. It was good enough to fight for the freedom of the allies in the battle fields of Europe and it will be good enough to fight if necessary for the freedom of India and when freedom comes we shall develop our army and strengthen it and make it more efficient even than it is to-day. We have seen during the Great War how vast armies can grow up in time of need.

## International Situation.

The strength of a country depends not only on the defence force but even more so on the international situation and the balance of power. Poland, Lithuania, Czechoslovakia, Hungary, Austria, Belgium, Holland, Yugoslavia, Portugal, Bulgaria, Romania and many other countries are independent but no one of them can withstand one great power. Even the great powers cannot separately cope with a combination against them but they remain independent because none dare attack them for fear of complications that may arise. Similarly no country would dare attack a free India for fear of complications. The other countries could not tolerate that the rich prize of India should fall again to another power. But what power indeed could threaten us? France, Germany and Italy are too much involved in their mutual hatred and jealousies and are too afraid of each other to trouble us at all. The United States of America are too far away for effective action. Japan has to face the hostility of the United States and even of the Western European powers and cannot dare to embark on a new adventure which would be fraught with the greatest risks for her. Afghanistan is strong in defence but weak in

attack and it is inconceivable that with its limited resources it can do us any harm. It may at most carry out a number of successful raids before we can defeat it and hold it in check. But there is absolutely no reason why we should have any relations with Afghanistan. Russia remains the sole danger but even this danger is largely imaginary. She is preparing for war as everyone knows or ought to know that no country is in greater need of peace than Russia. The Great War, the civil war, famine and blockade have shaken her foundation and done her tremendous injury. She had made much good of her losses but above everything she desires peace to build up the new social order she has established. Experts tell us that although strong in influence she is weak in attack. Her whole Government is based on the good-will of the workers and the peasantry and she can not count on this good-will in an oppressive campaign. She had so many enemies that she dare not of her own accord start an invasion of India and leave her western flanks exposed to attack. Nor has she any economic reason to covet India. India and Russia are too alike to help each other much. Both are largely agricultural countries with raw materials and markets. Russia desires no raw material or markets. She wants capital and machinery and India can supply neither. We thus see that no danger threatens India from any direction and even if there is any danger, we shall be able to cope with it.

It may be, however, that we are unable to cope with it and go down in the struggle. That risk must be faced as it has been faced by every brave people in history. Because of risk we cannot give up our birthright or take the shameful position of asking for the British help to defend our country and liberties. We must make it clear that on no account are we prepared to have the British forces in our country. The alien army of occupation must be withdrawn.

#### Independence and Parties.

It is said that by laying stress on Independence, we antagonise other parties in the country just when the need for the unity was the greatest. Unity is certainly most desirable but can unity be achieved by the sacrifice of our principles? Our opponents and even those of our colleagues for whose sake we sacrifice our principles will respect us the less for it. Let us respect sentiments and even prejudices of others. But let us not give in on any matter which we consider vital. The Congress has already shown its desire to co-operate whenever it can with other groups and parties without giving up our ideals and our goal. We have co-operated whole-heartedly with others for the boycott of the Simon Commission and are to-day co-operating with numerous groups in the All-Parties Conferences. We could give no greater evidence of our good-will and our tolerance cannot extend to sacrifice of the principle and the goal. And the ideal we have set before us is too vivid to be forgotten or discarded for a temporary compromise. The road we have to travel is a long one and for the same distance it is a common road for others as well. Let us travel together respecting each other and it may be that when one reaches the cross roads we may have converted many of others to our view. If we fail to do so we would agree to differ and part company without rancour, or ill-will.

You must have been disappointed at the proceedings of the All Parties Conference in Bombay and yet the very fact that we are having so much difficulty in finding a solution to contending claims shows that we are at grips with the real problem. By ignoring them or making a patch work compromise we cannot solve them. It is a measure of our earnestness that we are trying to face them squarely and I have every hope that if we continue to do so we shall find a solution.

#### Fear Dominates.

What are these problems we hear, of controversies about the separation of Sind and separate and joint electorates and reservation of seats? But if you go to the bottom of all this you find one all pervading cause. It is fear of the Muslim that the Hindus may exterminate him, the fear of the Hindu that the Muslim may crush him, the fear of each community or group. It is a senseless fear. To protect itself each community wants a privileged and dominating position in each province. Surely no group should dominate over another and the rights of each should be safeguarded. The communal organisations, the Hindu Mahasabha and the Muslim League each desire domination and there can be no compromise between the two. Are we then to give up the task as hopeless? The duty of the Congress and of all other organisations which are not based on pure communalism is clear. After paying due regard to the fears whether justified or not they must evolve a constitution which should be as just and reasonable as can be expected under the circumstances and then should place it before the country. The Moslem League and the Hindu Mahasabha may oppose it in details. But there can be nothing which can

satisfy both of them. And the country as a whole I feel sure will accept it if it is based on reason and justice.

#### Ideal Constitution.

Unhappily it is not possible in this world of ours to-day to produce an ideal constitution. We cannot ignore prejudice and unreason but let us at any rate try to approximate to the ideal as far as we can. The history of India tells us that danger has always come because of the want of central authority. We have had too much decentralisation. If we are to build up a strong India we must have central Government but we can not afford to kill the rich and varying cultures of India by having too much uniformity and discouraging local effort and enterprise. In other countries the tendency to-day is to give full local autonomy to cultural areas. We must, therefore, while laying stress on a strong central Government accept the principle of giving considerable autonomy to different areas having traditions and cultures of their own. The best test of a culture is that of language. There may be too many small autonomous areas. The economic life of the country may suffer but this can be safe-guarded by the giving of powers to large areas including several autonomous cultural areas. If this principle is kept in mind and if in addition we have joint electorates and proper safeguards for all the minorities and backward groups, I think we might evolve a satisfactory constitution for the transition period at least. Let us hope that the committee which the All-Parties Conference has appointed will meet with success in drawing up this constitution. It is becoming clear that the Indian States cannot be ignored or excluded. Nothing can be more fatal for India than a division between the two independent entities. The problem has become an urgent one because we find that efforts are being made to raise a barrier between the two parts of India and should they meet with success it will become difficult for us not only to have a united Indian States but also to achieve freedom in what is called British India. Recently a scheme has been published on behalf of a number of Indian provinces under a superficial garb of good-will to the British India. This scheme lays down the dangerous principle of separation of Indian States and so far as the people of the States are concerned, we are told that they will live under a rule of law. We know well what rule of law and order means. This scheme must therefore be combated by us not only in British India but in the states. Even such of the ruling princes as are wise and far-seeing enough should reject it and take their stand by their own people and by the people of British India. We stand together and nothing must be allowed to separate us. But is it not feasible to boycott British cloth only as it will creep in under various disguises.

We must therefore boycott all foreign cloth. There has been some talk of an alliance between khaddar and Indian mill cloth to bring about this boycott. But as you know the mill-owners have refused to respond to Indian nationalist sentiment and are at present engaged in crushing the poor workers whom they have exploited: so far as we know, that in the past they have made vast profits because of the Swadeshi sentiment and recently they have not hesitated to exploit the khadi sentiment of the people by manufacturing khadi with Gandhi's picture and the charka printed on their cloth, it is not possible for them to co-operate with khadi but with foreign cloth and also agree to treat the workers properly. They refuse to do so and prefer co-operation. There is only one course open to us. We must lay stress on hand-spun khadi only.

We must make it clear to the mill-owners that their own interests dictate that they should co-operate with the nationalist India and not with the alien Government. When they have realised that, they will be in a proper frame of mind to work with us.

#### Bardoli Struggle.

You are no doubt aware of the great struggle that is going on at Bardoli. It is an economical struggle but there is little to distinguish economics from politics to-day, so also is the gallant struggle of mill workers of Bombay. Against the great odds of such struggle is a nation's strength built up. Bardoli has ceased to be a provincial affair. The whole country is watching it with eager interest and I have no doubt that you will send your greetings and best wishes.

#### Proceedings and Resolutions.

After Pandit Jawaharlal had finished his extempore speech the Conference adjourned and re-assembled on the next day, the 29TH MAY, in the noon and passed the following resolutions:—

- (1) The first resolution recorded deep sorrow at the death of Mahatma Gandhi and

hoped that the people of Kerala would contribute to the fund started for establishing a khadi museum as his memorial.

(2) The second resolution was of opinion that in future constitutions Kerala should be a separate province.

(3) The third resolution reiterated its complete faith in the absolute innocence of Mr. M. P. Narayana Menon and opined that in continuing to keep him in jail in the face of the unanimous demand of the public and the Council the Government is guilty of gross injustice.

(4) The fourth resolution appealed to the public of Kerala to do away with untouchability and unapproachability.

(5) The fifth resolution extended its heartiest greetings to the brave men and women of Bardoli in their struggle for justice and called upon the people of Kerala to render them all the help that they could.

(6) The sixth resolution called upon the people of Malabar to continue the boycott of the Simon Commission in every form and at every stage and the representative from Malabar in the Provincial Council and in the Assembly to give full effect to this boycott.

(7) The next resolution was of opinion that the legislation giving fixity of tenure and protection from arbitrary enactment to all the tenants of Malabar should be immediately enacted.

(8) The eighth resolution called upon the people to refrain from purchasing as far as possible all British goods and requested the Provincial Committee specially to take immediate steps to prepare a list of such British goods as can and should be totally boycotted.

(9) The next resolution requested the All-Indian Spinners' Association to set apart khadi funds collected in Kerala for the development of khadi producing centres and sale departments in Kerala itself. Further it requested the All-India Spinners' Association to organise the Kerala branch of A. I. S. A.

(10) The resolution relating to the boycott of British goods was moved from the chair and passed unanimously.

(11) Another resolution urged upon the people of Kerala to boycott foreign cloths by using khaddar exclusively.

(12) The next resolution condemned the scheme of colonisation in the Andamans started by the Government to send away the Moplah families from Malabar against the repeated and unanimous protest of the people. The Conference condemned government's policy of continuing to keep in jail the Malabar Rebellion prisoners who were not guilty of any grave offence involving personal violence.

#### (13) Relation with Indian States.

"This Conference is strongly of opinion", runs the next resolution, "that Indian States are an integral and indivisible part of India and cannot be politically or economically separated from it. The Conference is therefore of opinion that the constitution of India must comprise the States. This conference is further of opinion that the present unlimited autocracy of Indian Princes is a standing menace both to the people of the States and of British India and that the constitution of United India should provide for a responsible Government in the States."

Further the president was authorised to communicate this resolution to the All-India Congress Committee and the All-Parties Conference.

(14) The next resolution welcomed the resolution passed at the Madras Congress laying down complete national Independence as the goal of the people of India. This resolution was moved from the chair and passed unanimously.

#### (15) Change of Congress Creed.

This over, Mr. Madhava Nair moved the following resolution:—"This conference recommends to the Congress to be held in Calcutta in December next that the present creed of the Congress be changed to that of attainment of complete Independence for India." The resolution was opposed by Mr. Manjeri Rama Ayer, Mr. U. Gopala Menon and others.

The President Pundit Jawaharlal before taking vote addressed the audience on the resolution. He said that it appeared to him that there was a great deal of confusion of thought in regard to the resolution. References to Bhisma and Avimanyu had been made and the respective merits of Dominion Status and Independence discussed. He would, therefore, try to clear up the position and try to sum up as a judge and leave it to the delegates to decide. There was no question before them of Dominion Status against independence. This Congress at Madras had already declared our goal to be independence,

and this Conference had welcomed that resolution only a short while ago, so it was entirely beside the point to discuss our objective that had been settled. So far as the Congress was concerned the resolution before them sought merely to make a recommendation to the Congress that it should be limited to those who believe in independence. Its doors were open to those who desired Dominion Status. It was open to them to come and convert the majority to their views. The resolution shut this door. It thus raised a vital question, although it did so in the shape of a recommendation only.

Continuing he said: "We have thus to consider which is more desirable of the two methods of carrying on the fight, either having a single-minded group, small it may be but, strong in its convictions or a large group joining together for a lesser objective. I have no doubt that a strong and single minded minority is more effective than a vague majority. But a further question arises whether the whole of the Congress should be this minority, or whether this minority should try to make the Congress an exclusive body. This question cannot be decided on the pure grounds of principle; we have to take into consideration the actual facts of the situation. The position in India to-day must be examined and our decision can only be taken after we have fully considered this aspect. The question is there full of difficulty. I cannot at this stage go into the full consideration of the position to day in the country. Besides I told you that I would merely try to clear the point at issue to sum up as a judge and leave the decision to you. You have already had so many speakers for and against, that I do not wish to make another lengthy contribution to debate. I would only as President point out the difficulties to you and ask you to decide regardless of appeals to sentiment which has been made."

The resolution was put to vote and carried by a majority amidst shouts of "Bande Mataram". After the concluding speech of the President the conference ended with a vote of thanks proposed to the Chair by Mr. U. Gopala Menon.

## Karnatak Provincial Conference.

The fifth session of the Karnatak Provincial Conference was held at Dharwar on the 27TH MAY 1928 under the presidency of Mr. K. F. Nariman. The President referring to the present political situation detailed the history of the British rule in India at some length and said:—

"In short, the history of this administration may be recorded briefly in a few words by a series of destruction such as the economic destruction as illustrated by the pitiable condition of the agriculturists, the mental destruction as evidenced by the utter neglect of education amongst the masses, the physical destruction as has been achieved by emasculation by the Arms Act, and last but not the least the destruction of the very soul and spirit of India by the imposition of such a farcical, hypocritical and fraudulent constitution as the one under which by misnomer is called "The Government of India Reforms Act", whereas as a matter of fact, far from reforming the constitution, it has thoroughly deformed the whole administration.

"Such is the result of the administration after a long experiment of century and more and the only justification of our rulers in continuing their existence from their own standpoint is their supposed fitness and superiority to carry on the administration in refusing to hand over the reins of their government to our own countrymen is our unfitness to discharge the heavy responsibilities of the Government."

### No Charm For Us.

"After the ignominious record of over a century of the British Raj, it is but natural that the British Empire should not have any particular charm for us. If this Imperial unit called the British Empire is a hindrance in our way and obstructs our passage to freedom and emancipation then we will sooner get rid of this Empire than give up our struggle for freedom. There is a limit of human



patience and human suffering. Even the docile, timid halting and cautious people of India are tired of the game. The most recent Imperial outrage, an admixture of fraud and folly, the "Simon Commission" has come as a last kick even to our moderate and liberal friends. Even these friends of the British have discovered rather late in the day that the British statesmen whom they had hitherto considered as their genuine and sincere allies and on whose good-faith and bona-fides they all along depended to attain their modest goal of Dominion Home Rule are the greatest humbugs, and they all these years have been fooled by the British Buffoons of the Imperial Parliament. This discovery is of immense political importance and of very great political significance. This discovery has led to the political unity of all parties in India because the cause of the split is now luckily removed.

#### Boycott—A Settled Fact.

"So far as this part of the country is concerned, I take it for granted that complete Boycott of the Simon Commission is a settled fact. The Commission is based on the arrogant presumption of British Race superiority and Indian unfitness. It is not possible to fool this country any more by such hypocritical and fraudulent parliamentary devices.

By this time even a child in this country knows that the British want to continue their hold on India for the most immoral and selfish consideration of profiteering and exploitation. Britain will not voluntarily part with such a vast and lucrative dumping ground for the British unemployed and such resourceful hunting ground for the British exploiters. Their false pretences of British trusteeship and solicitude for the teeming masses or for protection from internal discord or external aggression deceives no one. It is only when India has been bled to the last drop of her blood and there is no further field for British exploitation, British loot and British profiteering that the British capitalists will feel that all the wealth and resources have been sufficiently drained off and the country is left dry and unfruitful, then and then alone will the British Parliament consider the Indians fit to manage their own affairs and India fit for the Dominion Status. If Indian's fitness is to be judged by a Nation outside India, if scores of Indian communities cannot be trusted to be the judges of their own affairs, then on that account the British Parliament and the British nation shall be the last persons on the Earth to be accepted as impartial judges.

"So far as our presidency is concerned, the efficiency and fitness of our Rulers is simply proved and demonstrated by that most efficient and up-to-date working of the Development Department! I do not think there is any other Government or private Department in any other part of the world, East or West, civilised or uncivilised, modern or ancient, either a small native state or a large foreign state, that will come up to this important department of the Government of Bombay in point of corruption, fraud, inefficiency, waste of public funds and callous disregard of public interests. We should have thought that after these ruthless exposures we should have heard no more of the alleged superiority and efficiency of the British administrators. If an Indian administration had been guilty of such vandalism, such gross mismanagement, such open day-light loot and corruption, through sheer sense of shame, it would have retired from field and never shown its face to the public, but the British administrators in this country, by their long habit of bossing and bluffing, have not only become heated, arrogant and proud, but have also lost all sense of shame.

"After such exposures and positive proof of their inefficiency and dishonesty instead of submitting to an examination to prove their own fitness for future government before a board of Indian judges, they still desire to pose as judge, and question our fitness and capacity to manage our own affairs."

"The only course open to a self-respecting Indian patriot is to ignore this Commission altogether not only because it has not included one or two Indians but because we question the right of the British Parliament, the Parliament of a nation outside India, to sit in judgment over us and to be our dictators. India may be in chains, India may be in bondage, she may be poverty-stricken and in a physically helpless condition but she will not allow even the proudest and

most arrogant and most powerful race on earth to insult her. She will preserve her self-respect because Indian soul and spirit is not yet dead. We may not be able to get our freedom for some time but in the meantime we will not be willing instruments in the hands of our enemy, we will not willingly co-operate with them and help them to fasten additional links in the chain of our slavery.

### Constructive Work Needed.

"But the mere boycott of the Commission is, to my mind, not enough. It is a mere negative programme asking us to refrain from certain action in order to keep the agitation alive. It is necessary to have side by side with the negative programme, some constructive positive proposals and active propaganda. Our first and immediate task in this direction should be the preparation of a constitution for the future Government of India, that would be generally acceptable to all. Lord Birkenhead with his usual swelled headedness and pride has challenged India to frame such a constitution. If we have an ounce of self-respect left in us we should accept that challenge and frame such a constitution and fling it in the face of Lord Birkenhead and his arrogant colleagues of the British Parliament.

"Our duty is plain and simple. Having lost all faith in the British, having lost all hopes of securing justice and fair-play from this selfish nation, obviously we have to agitate and create a situation in India by our individual efforts till the hands of our opponents are forced and they are compelled to acknowledge our birth-right and leave the country in good time with all bag and baggage.

"In order to create that desired and much aspired situation in India it is necessary for us to start a persistent organised and forceful campaign throughout the country.

### Boycott of British Cloth.

"In order that the country and the Nation might be prepared for such a campaign and for such self-sacrifice and exertions, it is necessary to concentrate on some definite means, particularly on some constructive agitation and programme. Boycott of foreign goods and particularly British cloth might occupy our first attention. Though a very weak weapon, still under the present circumstances it is the only effective economic weapon in our hands both to expose our feelings and to relieve the economic pressure in this country. The nation that gave birth to Dyer and O'Dwyer and sent them to this land for inhuman butcheries, deserves no quarter, no mercy, no consideration at the hands of any single patriotic Indian. This feeling, not of hatred but resentment, of the people of India is genuine and real and based on solid foundation of justice.

"Other problems that are to be faced and solved instead of shelved under one pretext or another, are the communal problem of Hindu-Moslem unity and the sectarian problem of Untouchability.

### Untouchability.

"As regards the question of untouchability, I desire to be rather emphatic and clear in my expression of opinion. Unless and until this class domination is removed root and branch, our case for Swaraj is considerably weakened and loses a great deal of its force. With what justification and with what face we complain of foreign domination, foreign exploitation in this country so long we permit in any form or any shape this cruel and unreasonable class domination over our own brethren and our kith and kin. These foreigners who dominate have at least the justification, howsoever unreasonable or unjust, of conquest, but to my mind there is no justification of any kind in perpetuating this adverse and invidious system. We must face and overcome this local and indigenous orthodoxy as much as the foreign bureaucracy, for to my mind they both are equally detrimental to the ordinary progress and prosperity of the country and obstruct as much the attainment of our ultimate goal.

### Hindu-Moslem Unity.

"The next knotty point is the Hindu-Muslim Unity. You must admit and face the fact that the relations between the two communities are not of a nature

that is desirable for the political and economical progress of the country; but I also believe that these differences at times are greatly exaggerated by our opponents to serve their nefarious and selfish objects, and very often they are engineered and ignited by the interested parties. However, the All-Parties Conference is striving to solve that problem and it is hoped that with leaders like Dr. Ansari, Pundit Motilal, Lala Lajpatrai and Madan Mohon Malaviya, on our side, the problem will soon be solved to the satisfaction of all.

"I refer to the struggle, the brave peasants of Bardoli are carrying on against a most unscrupulous and powerful opponent, a life and death struggle which is not only to decide this small insignificant issue of enhanced land assessment question of Bardoli alone, but to my mind is a pitched battle that will go a great way to decide the larger issues of freedom or slavery for the whole of this country. I ask you to consider the importance and magnitude of that struggle, and I feel constrained to state that this agitation is not meeting with that support and response that it fully deserves not only from the Presidency of Bombay but also from the whole country.

"My last appeal, as usual, is to the youth of the province, and through this province to the youth of the whole country. This awakening of the youth is the real hopeful sign of the times, the one silver lining in the clouds of depression and darkness. I have not the least doubt that with this new awakening of the youth, who will always be acting with the co-operation and guidance of the elders, the goal of Swaraj for which we are all struggling and aspiring is not very distant, and although unfortunately we are all born slaves but we will gain our emancipation and freedom before we quit this Motherland."

#### Resolutions.

After the presidential address was over 24 resolutions were adopted of which the important were the Independence Resolution and resolutions on the boycott of the Commission, Bardoli Satyagraha, unification of Karnatak, removal of untouchability and forest grievances in North Canara. Pandit Taranath moved a resolution urging Indian princes to give responsible Government to their people. Mr. Hosakoppa Krishna Rao moved a resolution or including the Indian States in the Swaraj constitution for India as Swarajya without Indian States is unthinkable and unworkable. His resolution elicited a warm debate in the Subjects Committee and was unanimously adopted in the open conference. The President Mr. Nariman in concluding the proceedings congratulated the organisers on the unadulterated success of the conference and wishing the coming conference invited at Belgaum to be a greater success.

The Conference closed its sittings amidst loud and prolonged cheers.

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# The All-India Hindu Mahasabha.

The eleventh session of the All-India Hindu Mahasabha opened at Jubbul-pore on the 8TH APRIL 1928 at 4 p.m. in the spacious and very tastefully decorated pandal which was packed with delegates and visitors. A large number of ladies were also present. Many leaders were unavoidably absent and therefore when Pandit Malaviya unexpectedly made his appearance, a wave of mild enthusiasm was witnessed.

Rai Bahadur Mathuraprasad, Chairman of the Reception Committee, did not read his printed address of welcome but made extempore speech on the same lines. He declared that the Hindu Sabha movement arose to solve the problems of Sangathan, Shuddi and the uplift of untouchables. It was never meant to be aggressive nor did it seek to hatch plots against other communities. The Chairman appealed to all Hindus to give up the beaten track and strike out a new course of conduct according to the changed circumstance. In conclusion, he briefly outlined a programme for the Hindu Sabha.

## The Presidential Address.

Before Mr. Kelkar took the chair His Holiness Shri Shankaracharya blessed the movement in a Sanskrit speech.

In the course of a lengthy presidential address Mr. KELKAR made a broad survey of the purpose of Hindu Mahasabha and the justification of its activities of Shuddhi and Sangathan and Hindu-Moslem compromise proposals. He asked the Hindu Community to go on with the organisation of the society without being afraid of the accusation that it was a narrowly communal movement. He justified Shuddhi movement as the logical reaction against the proselytising activities of the other communities. Mr. Kelkar then dealt at great length with the Hindu-Moslem compromise proposals and by an analysis of the position taken up by the Moslem League, Congress and Hindu Sabha he showed that the attitude taken up by the Hindu Sabha was the most reasonable. He criticised Mr. Jinnah's policy of presenting the compromise proposals on behalf of the Mahomedans in a solid block which could be either accepted or rejected as a whole and which, therefore, Mr. Kelkar said were mainly responsible for the impasse.

Regarding Hindu-Muslim problems Mr. Kelkar said :—

On the merits of Joint electorates, both parties are agreed. The Hindus objected to communal electorates from the beginning, and Mr. Jinnah has now openly admitted the futility of communal electorates, even from the point of view of Mahomedans. Both recognise that Joint electorates will have the effect of returning, in the elections, men of either community who are less bigotted or less typically communal than others. This would so far be a decided gain by itself, and the resulting benefit would be not only to any one community, but to the whole nation. On their merits, therefore, both parties should agree to joint electorates.

## Reservation of Seats.

The demand of the Mahomedans for reservation of seats under mixed electorates is, in my opinion, perfectly reasonable, at any rate, to commence with. The reservation could be made on two principles:—

(1) Strength of population, and

(2) Tax paying or electoral strength of the minority community.

Now, taxpaying qualification can alone be a legitimate claim for a vote in political democracy. But the Hindus have declared their readiness to agree to reservation for Mahomedans of seats even according to the population basis. I do say that this is a concession on the part of Hindus, and the Mahomedans should accept it as a concession,

But the reservation of seats even for a "majority" population in any province is, I must say, simply an absurd demand. It strikes at the very root of the fusion of interests to be secured by the natural operation of joint electorates. It shows want of communal self-confidence by Mahomedans in themselves which, however has never been realised in practice before, in fact, this double propping up of reservation for a "minority" and reservation for a majority, is absolutely unnecessary and indefensible.

The same considerations apply to the demand of the reservation of one-third seats in the central legislature. If reservation is to be made on the basis of population, the Mahomedans would get and should be satisfied with the proportional quota which would be due to them, and would be returned to the Central Legislature by each Province.

#### Reforms in N. W. Frontier Province.

As for the Reforms in N. W. F. Province and Baluchistan I may say that as a resolution this subject was passed without a division in the Legislative Assembly in the last session, and without opposition from the Hindus, there should be no doubt or difficulty about understanding the attitude of the Hindus towards this demand. If this question were to be considered on its own merits, I am personally in favour of the amalgamation of the Settled Districts with the Punjab rather than the grant of these reforms to the N. W. F. Province as at present constituted. At any rate I shall never be prepared to concede either proposal as a "condition" of communal settlement. The demand put forward by the Mahomedans in the present manner necessarily gives political reforms a communal character, and the Mahomedans should not blame the Hindus, if the demand for political reforms made in a communal spirit is also demurred to in a communal spirit.

#### Separation of Sind.

As for the separation of Sind, the same considerations apply also in this case. One can legitimately ask for the separation of Sind only if it can be proved that, as a matter of administrative efficiency or the economic well-being of the population as a whole, it is desirable to separate it from Bombay. But no secret has been made of the fact that the separation of Sind is being demanded for no other than communal reasons, and with the object of securing a set off or an additional hostage in Mahomedan hands as against the advantage which the Hindus have over the Muslim minorities in other provinces. If provinces are to be reorganised on the linguistic basis or any other principle, let those principles be applied to Sind along with the rest of India. There is no point in the Muslim's insistence upon the separation of Sind immediately and apart from the reformation of the Andhra, Karnatak, etc., as separate provinces. It does not seem to be realised that provincial reorganization is a very difficult problem, and no one should be easily misled by the example of the National Congress in redrafting its constitution seven years ago, could easily form new provinces for its own administration and propaganda purposes on the linguistic basis, because it involved not a pie worth of extra expenditure to anybody. No one can seriously suggest, however, that the regrouping of provinces for actual political administration, involving as it does, an expenditure of crores of rupees, is on the same footing as the distribution of provinces under the Congress Government. The linguistic basis is, of course, a plausible criterion. But it would be wrong to assume that all provinces could be reorganized on that basis for political administration immediately, though there may be a vocal demand for it ever now by several provinces. It would be still more wrong to seek the separation of a province like Sind for manifestly communal reasons. An important question like the redistribution of a province which affects vitally the welfare of the population as a whole ought not to be decided by the strength of a communal majority alone; it should have behind it the support of a considerable section of the minority community also. Even those, who in the National Congress, favoured a resolution for an immediate beginning of Sind, Andhra, Karnatak and Utkal as new linguistic provinces, were not satisfied with the financial merits of the proposition, as has been proved by the appoint-

ment of a Committee for considering the financial position of Sind though strictly speaking the Committee should have been given the task of inquiring into the cases of Andhra, Karnatak, Utkal as well at the same time. The appointment of the Committee is again futile, when we take into account the fact that Mr. Jinnah's block presentation of Muslim demands so far stands as it is, in case the decision of the Committee were conceivably adverse to the separation of Sind.

### Public Services.

As regards the demand for reservation of a share for the Mahomedans in all public services, I must say that I personally cannot agree to it on principle. The thing can be easily reduced to an absurdity in practice. I confess, I have no idea as to how shares are to be carved out and maintained from time to time for particular communities in every administrative department. Logically there must also be proportionate division of total amount of salaries or grades of seniority. The Government have already gone or are going as far as they could, out of their pronounced good-will for the Mahomedans, and consistently with the maintenance of minimum efficiency in administration. Fixed numerical shares in representation in elective body is a practical proposition, but the reservation of posts in public services in every administrative department is a sheer absurdity.

As regards the veto on initiation of legislative matters in legislative bodies to be given to Mahomedans, I have no clear idea as to how that can be done. But I do think that some understanding will have to be arrived at, in this direction. Even as it is, in the working of the present legislative bodies, we find that religious and communal matters are dealt with in an unsatisfactory manner, owing to the hurly burly of the legislative procedure. But that is a subject on which I am not prepared to offer any more definite views at present.

### Resolutions.

The full text of the resolutions passed in the Mahasabha by an overwhelming majority only five voting against, runs as follows :—

(1) "The Hindu Mahasabha reiterates its conviction that communal representation is fundamentally opposed to the principle of responsible Government and regards the following propositions as essential to be incorporated in any future constitution of the country :—(a) that there shall be uniformity of franchise for all committees in each province ; (b) that elections to elective bodies shall be by mixed electorates ; (c) that there shall be no reservation of seats on communal considerations in any of the elective bodies and educational institutions, but to start with it a minority community in any province was to demand reservation of seats, such reservation may be granted only in the Legislatures for a short period and on the basis mentioned in the clause ; (d) in no circumstances, however, shall there be any reservation of seats in favour of any majority community ; (e) the basis or representation of different communities shall be uniform, such as adult population, voting strength, or taxation ; (f) redistribution of provinces in India if and when necessary shall be made on their merits in the light of the principles capable of general application with due regard to administrative, financial and similar other considerations, but no new provinces shall be created with the object of giving a majority to any particular community ; (g) with regard to the Muslim demand for the separation of Sindh the Hindu Maha Sabha is of opinion that the creation of new provinces primarily or solely with a view to increasing the number of provinces in which a particular community shall be in majority is fraught with danger to the growth of sound nationalism in the country and will divide India into Hindu India and Muslim India.

(2) As the redistribution of any province without the consent and agreement of the two major communities residing in that province is likely to increase the area of communal conflict and endanger relations between the two major communities not only in the province but throughout India, and

(3) As the separation of Sindh will not only be a costly financial proposition, but would also arrest its economic development and its educational advancement and deprive the people of Sindh of many undeniable benefits of their association

with the more advanced people of other parts of the Bombay Presidency in their economic as well as political development, Sin'h should not be separated from the Bombay Presidency.

(4) In case of provinces like North West Frontier Province, Baluchistan and Scheduled Districts steps should be taken to secure with as little delay as possible the benefit of a regular system of administration both judicial and executive so as to leave no ground for refusing them the full benefit of the future reformed constitution of the Government of India.

(6) There shall be no communal representation in public services which must be open to all communities on the basis of merit and competency ascertained through open competitive tests.

(6) This meeting appoints the following committee to confer with any committees appointed by other public bodies for the purpose of drafting a Swaraj constitution for India. The committee is directed to adhere strictly to fundamental propositions laid down in the above resolution. The President is authorised to amend the list as the situation arise :—

Dr. Moonje, the Hon'ble Sir Sankaran Nair, Member, Council of State, Mr. C. Vijairaghava Chariar of Salem, Mahatma Hansraj, Bhai Parmanand Dewan Bahadur Raja Narendra Nath, the Hon'ble Rai Ramsarandas Bahadur, Member, Council of State, Professor Gulshan Rai, Dr. Gokul Chand Narang, Pandit Thakur Das Bhargava, Pandit Devaratna Sharma, Hari Har Swaroop Shastri, Neki Ram Sharma, Babu Jagat Narainlal, the Hon'ble Raja Sir Rampal Singh, K. C. I. E. Member, Council of State, Kunwar Rananjaya Singh, Shanker Misra, Harish Chandra Bajpai, Mukut Beharilal Bhargava, Kumar Ganganand Sinha, Hirendra Nath Dutt, Mr. K. C. Neogi, Padamaraj Jain, M. S. Aney, Dr. Cholker, Dr. Choithram, Mr. Jairamdas Daulat Ram, Profo H. L. Chablani, La'a Sri Ram Lala Deshbandhu, and Mr. Shivdas Chamsi. The amendment moved by Sardar Narmadaprasad Sinha which was seconded by Mr. Mukut Beharilal Bhargava supported by Pandit Madan Mohan Malaviya was for deleting clause (f) on the ground that its purpose was amply served by clause (e) which all of them fully supported. Without clause (f) the resolution was the same as the February resolution of the All-India Hindu Sabha meeting at Delhi which was placed before the All-Parties Conference. It is not the same as the All Parties Conference resolution which contemplates the possibility of separation of the Sindh on the fulfilment of certain conditions and which was dissented to by Maha Sabha representatives. It is wrong to state that Pandit Madan Mohan Malaviyaji and a few others supported in the Conference the decision of the All-Parties Conference in favour of the separation of Sindh.

The mover and the supporter of the amendment spoke against the separation of Sindh. Pandit Malaviya interrupting, Dr. Moonje's suggestion that he might favour the separation expressly repudiated this interpretation of his attitude and said he entirely supported the Delhi resolution of the All-India Hindu Sabha.

The amendment secured only five votes and was defeated. The C. P. delegates, including tried Congressmen and thorough nationalists present in the Assembly solidly voted in favour of the main resolution.

## The Bengal Provincial Hindu Sabha Conference.

The fourth session of the Bengal Provincial Hindu Sabha Conference held its first sitting at Mymensingh on the 21ST APRIL 1928 amidst scenes of great enthusiasm. The huge pandal was tastefully decorated with wreaths, multi-coloured flags and numerous mottos befitting the occasion. There was a large attendance of delegates and visitors. Many lady delegates were also present. Amongst the distinguished persons were Dr.

Moonje, Bhai Parmanand, Swami, Satyanand, Swami Viswanand, S. Padamraj Jain and many local zemindars as well as a large number of Brahmin pandits hailing from different parts of the district. After the "Bande Mataram" song the Chairman of the Reception Committee read his speech welcoming the delegates.

#### The Chairman's Address.

Maharaja Bhupendra Ch. Singha of Susang in course of his address as the Chairman of the Reception Committee after offering a cordial welcome to the assembled delegates dwelt on the steady evolution of Hindu religion and culture under the conserving influence of Barnasram Dharma and the free spirit of Vaishnavism.

He also referred to the rise of Islam in these parts and emphasised the extremely fraternal relations between the sister communities to which not only a living memory but literature of the type of the Mymensingh ballads so refreshingly testify.

He pleaded for the restoration of the time-honoured amity by rooting out from the minds of the Mahomedans the seeds of antagonism. He reproved the dubious methods of conversion pursued by Christian agencies among the hill people and the depressed classes and called upon the conference to decide the question of proselytisation and removal of social disabilities of the lower sections.

The speaker concluded by citing among other questions for considerations the need of devising suitable methods of reclaiming dishonoured women, the desirability of arbitration for settlement of social dissensions and the provision of adequate representation for minorities in Bengal.

The President Mohamopadhyaya Pramathanath Tarkabhusan then rose amidst cheers and delivered his presidential address.

#### The President's Address.

The President who rose to speak amidst scenes of deep enthusiasm stimulated by the singing of the national song by a chorus of girls delivered a striking address which he frequently supplemented by extempore comments.

He said that he undertook the responsibility though conscious of the stupendous nature of the task for which his capacity was too limited, because he had robust faith in the power of their united call born of honest purpose, and if he could say anything satisfactory in the conference it should be regarded as due to the influence that their united call would exert on him rather than to his own individual merit.

#### Present Condition of Hindus.

Referring to the present condition of the Hindu race the president said that in no period of Indian history the Hindus were faced with such a terrible catastrophe as at present. To think how many forces have arrayed themselves to exterminate Hinduism from the face of the earth is sure to give rise to terror and despair in the heart of every Hindu. On the one hand the grinding poverty, appalling ignorance, disunion and overgrowing mutual jealousy among the Hindus and on the other the materialistic civilisation of other countries with their thoughtfulness, pride of wealth and invincible self-conceit are trying to destroy what is good, pure and captivating in Hinduism. The present day Hindus who have not only forgot their past but have lost even the power to guess what would be their future were



not in the least ashamed to pave their way for the destruction of the whole race for their individual selfish ends.

He then eulogised those who had established branches of the Hindu Mahasabha in different provinces of India as their actions bespoke of patriotism and love of religion. As regards the future of the Hindus the President could see a silver lining to all these disheartening aspect of the present time. He maintained that the Hindus in near future would permeate the whole world with their ideal and bring peace and happiness by the spiritual elevation of mankind. Though disliked by selfish peoples in whom beastly propensities predominate the Hindus would continue living till eternity.

#### Characteristics of Hinduism.

Dwelling on the characteristics of Hinduism the president said Hindus differed from other races in that they had the wonderful powers of mouldering every antagonistic feeling in themselves as well as in others in such a way as to make it help their own elevation. No nation had been able to make others as its own as the Hindus did. The Hindus never stood in the way of other races coming into the Hindu fold by preserving their respective distinctness. In this connection he mentioned the cases of the Sikas, Yavanas, Hunas and others who came to India either for conquest or trade and who took what were good and pure in Hinduism and prided themselves in proclaiming Hindus. Continuing, the President said history is full of instances of foreigners embracing Hinduism. He referred to the cave writings recently discovered at "Beshanagar" which recorded the conversion of Heliodora, a foreigner. He cited "Vaishnavism, Sainism and minor religious system" by Sir R. G. Vandarkar for further reference on the subject. Many instances of foreigners being converted to Hinduism, the president said, may be cited.

The President next compared the present state of degradation in the Hindu race with its ancient days of glory. The greatest enemy that the Hindus have to fight, the president said, is within themselves—their want of confidence in their own power, greatness and their own self.

The presidential speech was occasionally punctuated by cheers and it was much appreciated by the audience. After the conclusion of the president's speech the sitting was adjourned.

#### The Subjects Committee Meeting.

The Subjects Committee met inside the Town Hall and no outsider was allowed in. Considerable dissatisfaction was expressed amongst the delegates on account of the manner, method and personnel of the Subjects Committee as being confined to a particular group controlled by the Calcutta Hindu Sava. The allegations were made that election of members to the Subjects Committee was not made with due notice and in conformity with the usual constitutional procedure. It transpired that speeches were made in the Subjects Committee by some of the prominent members of the Calcutta Hindu Sava declaring that protection of Hindu rights was the only consideration which should guide the Hindu in all their endeavours and for the attainment of this they were prepared to sacrifice the Congress and the Hindu-Moslem unity. When the Jubbulpur resolution about the Unity Conference proposal came up for discussion objections were made that no political question should be discussed in the Hindu Sava. While the committee adopted the Jubbulpore resolution by a majority of votes, it declined

to discuss any resolution on the Simon Commission. The leakage of those discussions and the manner of the formation of a Subjects Committee created immense sensation.

### In the Open Session.

The atmosphere was electrical when the Conference reassembled in the evening. A printed notice was given to the President by some of the delegates to form a new Subjects Committee, as the Committee already formed was unconstitutional. After the condolence and a non-controversial resolution were moved from the chair and adopted the president appealed to the objectors to waive their objections, though he fully admitted that the Subjects Committee was not properly constituted, as formation of a new Subjects Committee was not possible at that stage. This was ultimately accepted by the Oppositionists when the President declared that before the Conference met to-morrow a new Subjects Committee would be formed according to constitutional rules to discuss the remaining proposals.

Mr. Makhan Lal Sen proposed the Jubbulpore resolution for adoption which was seconded by Mr. Ananga Mohon Dam and Mr. Charu Chandra Ray proposed an amendment for putting off the consideration of portions of the resolution regarding Sind and the North Western Frontier Province till the All-Parties Conference met in Delhi. This was duly supported. Babu Surja Kumar Som proposed a second amendment to drop that resolution on the ground that no political matter should be discussed in the Hindu Sava as it was constituted. At this time the President Mahamahapadhyaya Pramatha Nath Tarkahhusan left the meeting asking Dr. Sunity Chatterjea to preside. Dr. Chatterjee ruled out of order the amendment of Surja Babu who pointed out that he had intended to move his amendment as a separate resolution but the President requested him not to do so but to move it as an amendment. In spite of this the President declared that as he was the President then, he was not bound by any undertaking given by the President who had left the meeting. Speeches were made for and against the amendment of Charu Babu. After Babu Satyendra Mitter and Dr. Moonje had spoken elaborately one for and the other against the amendment, the President put the amendment to vote and as voting could not be counted owing to the hugeness of the gathering and the lateness of hour the meeting was adjourned till 9 A.M. the next morning. The proceedings throughout were tumultuous.

The number of delegates came up on 3000 in the evening. In view of the strong feeling amongst the delegates a compromise was arrived at between Dr. Moonje on the one side and Mr. Satyendra Chandra Mitter and Mr. Nalini Ranjan Sarkar on the other to request the President to rule out all controversial and political resolutions concerning All-India matters from discussion. We give below a short resume of the proceeding of the conference as given in the Amrita Bazar Patrika of Calcutta :—

### A Short Resume of Proceedings.

"The third annual session of the Provincial Hindu Conference at Mymensingh is over. It is a pity, that the Provincial Hindu Shabha had not framed rules for the Conference earlier. The rules regarding the formation of Subjects Committee of the Conference, were framed in a Executive Committee meeting of the Provincial Shabha at Calcutta on the 17th April,—and the Reception Committee got those rules only on the 20th. These rules provided that the Subjects Committee would be formed by the members of

the Provincial Hindu Shava, ten members elected by the Reception Committee, and two members elected by each District Hindu Shava. The Reception Committee met on the evening of the 20th April—on a very short notice—to elect ten members for the Subjects Committee, and as a result of the short notice,—not more than 30 or 40 members, out of a total strength of 500 members of the R. C. could participate in the election. Objections were raised by various members, but after about two hours' debate, a compromise was made, and ten members for the Subjects Committee were elected. The Conference commenced at 8 a. m. on the 21st April—the whole pandal with an accommodating capacity of about five thousand people, was full.

"The address by the Maharaja of Shushang, Chairman of the Reception Committee and the Presidential address were highly appreciated and greatly applauded. After these addresses were finished, the Conference adjourned at 11 a. m. It was announced then, that the Subjects Committee would meet from 2 p. m., and the open conference at 7 p. m. In the meantime demonstrations of lathi, sword and dagger plays, and other physical feats, were arranged for, in the pandal between 2 p. m. and 6 p. m.—which could not unfortunately be witnessed by members of the Subjects Committee.

"Many resolutions were adopted by the Subjects Committee, in that sitting, the most controversial two being,—one adopted by the All-India Hindu Mahasava relating to joint electorate, and separation of Sindh—and the other relating to boycott of Simon Commission. The general sense of the members was that Political questions, affecting the Hindu community in particular should be taken up, and those affecting all the communities in India, should be left for decision by the Congress. On this principle the members of the Subjects Committee by majority of votes decided, that the policy to be adopted with regard to the Simon Commission should not be taken up and discussed in this conference. As regards representation in legislative bodies,—distribution of services, separation of Sind from the Province of Bombay, grant of Reforms to the N. W. F. P. the Committee by a majority of votes, adopted the resolution of the Hindu Mahasabha. This upset the Swarajist members of the Subjects Committee and they gave notice of an amendment to be moved in the open conference on the Sindh question.

"The open session commenced at 8 p. m.—and after a few resolutions had been moved from the chair,—the President left the pandal, leaving Dr. Suniti K. Chatterjee in charge of the Presidential seat.

"When the resolution regarding representation in Legislative bodies, reservation of seats, and separation of Sindh, came up, two amendments were proposed, one by Babu Charu Chandra Ray, and the other by Babu Surya Kumar Shome. On a reference, the President ruled, that the proposal of Babu Surya Kumar Shome could not be taken as an amendment, it being in the nature of an original resolution. On the ruling of the President, the House became chaotic—so much so, that it became doubtful for a time, if it would be possible to continue the conference. After enormous trouble, however, peace was restored for a time, and support and opposition of the original resolution and of Charu Babu's amendment went on for a considerable length of time. At about 11 p. m. the amendment was put to vote, and apparently it was lost by a majority, but the Swarajists claimed a division. As it was already too late at night, the President ordered that votes would be taken again on the next day (i. e. 22nd April).

"In the morning of the 22nd April the President got a notice, that a resolution would be moved in the open conference,—that the Subjects Committee was not properly constituted and therefore the conference could not proceed without the Subjects Committee being formed anew. Owing to the rules about the constitution of the Subjects Committee, having been drawn up by the Executive Committee of the Provincial Sabha,—and not by the Provincial Committee itself, and the Reception Committee having elected members for the Subjects Committee in a hurry, without sufficient notice,—the constitution of the Subjects Committee was thought doubtful. Moreover, if that question came up before the open conference,—the session would take at least one day more to finish. That would upset all arrangements for the accommodation of the delegates and volunteers, who had been accommodated in schools,

on the express condition, that the school premises would be vacated positively in the night of the 22nd.

"Negotiations for a compromise opened. Thanks to Dr. Moonjee and the leaders of all the parties, a compromise was effected, in this way, that in the open conference, the President would give his ruling, that the organisers of the conference and many delegates being of opinion, that controversial, All-India Political questions, such as the separation of Sindh, and boycott of Simon Commission, should not be taken up and discussed in this conference,—the resolution regarding representation in Legislative bodies, reservation of seats, and separation of Sindh, that was taken up and discussed in the open conference, should be given up, and no votes should be taken on that resolution. After this compromise was arrived at,—and before its announcement in the open conference,—the Subjects Committee met again, and drew up fresh resolutions on various other subjects! The open conference, began its sitting at 2 p. m. and the President gave his ruling as noted above. The other resolutions were then moved and carried peacefully, and the conference terminated at 10 p. m. after a stirring speech from the President.

"In his concluding speech the President said that the organisation of Hindu Sabhas, all over India was a happy augury of the times. The orthodox Brahmin Pandit Samaj, had kept aloof from the movement, only on the apprehension,—that the organisers would not show any respect for them, and the Hindu Shastras. But he came here—as a representative of that Brahmin Pandit Samaj—and went with the belief that the organisers of the Hindu Shava would not be disrespectful to that Samaj, nor to the Shastras. The Brahmins are the descendants of 'Dadhich' and know how to perish for the good of others. The Shastras are vast, and can meet any situation that arises—only another 'Vedavyas' is necessary to give a correct interpretation for the present critical stage of the Hindus, and he carried the hope that by the present Hindu Shava movement, the Hindus are only preparing the country for another Vedavyas to come".

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## The Kerala Youth Conference.

The first Kerala Youth Conference commenced its sittings at Payyanur in Tellicherry District on the 27th May 1928. At the outset Mr. Komberhail as Chairman of the Reception Committee welcomed the delegates. This over Doctor Varadarajulu Naidu was proposed to the chair amidst loud cheers. The following is his Presidential Address:—

Referring to the mission of the youth Dr. Naidu said:—"Your immediate mission is national. It is now high time that you should decide whether India should be free or be a subject country of a foreign nation. The fate of unborn Indians depends upon your courage and sacrifice and our mother country calls upon you for vigorous and manly action. The eyes of all our countrymen, are now upon the youth of Kerala, because the social and economical iniquities under which the people of Kerala suffer are a stumbling block in the way of real political work in your province. It is a national problem and it could be solved only by youngmen with burning patriotism which would face machine guns. Our liberty and national honour are in danger. If the young men of to-day would act bravely, national victory is certain. If you fail our children and grand-children would curse you. Our cause is noble. You may have to die in the struggle for freedom, but your memory would live. Under the influence of the enemy of our national freedom, some of our own misguided countrymen may abuse us or stone us to death. But your country should be your idol and its service your religion,

Swarajya your goal. British Imperialism, which keeps us in bondage, not only denies us our birth-right, but suppresses our natural desire for our national growth and development. It has enslaved our body and mind and as a result, there are parties and individuals in this country, who are prepared to sell their national and individual honour for a job in the Government service".

The president condemned in strong terms the present day caste system which "has destroyed all consciousness of self-respect and liberty in the masses." "Our social wrong are sapping the very foundation of our national life." And the president said "your first and foremost duty is to rebel against caste system and its horrors. The caste-ridden Hindu society is the most disintegrating force in the way of solving the National problem."

According to the president, the way of cleansing Hindu Dharma of all the black-spots does not lie in excluding Brahmins altogether—but lies in the direction of actively co-operating with such Brahmins and Panchamas as are interested in the welfare of the society. While advocating a bold fight against orthodoxy and caste distinctions, Dr. Naidu condemned the idea of carrying on a crusade against a particular community which will be suicidal.

While declaring that nationalism is the highest form of Dharma, Dr. Naidu said that the path of the Nationalist is not strewn with roses. They will have to incur the displeasure of the Government and submit to all the tyranny that the Government and its henchmen inflict on them." It is only men with grim determination, he said, and of strong will that can resist an all powerful Government and demand liberty.

Continuing the president said that he did not believe in the idea that Swaraj can only be obtained where all our caste and communal differences were removed. On the other hand he believed that Swaraj will remove all these evils and cited the instances of Turkey and Afghanistan which have made a tremendous progress only after they have become politically free. "True nationalism," said Dr. Naidu, "is the only remedy, for all these evils."

He said that we could not eradicate our communal and religious ills with the help of the foreigners. "Even the most bigoted of the Brahmins", said Dr. Naidu, "is not racially so arrogant as the ordinary whitemen. We are hearing daily of stories of Negroes being lynched in America".

"The social system" concluded Dr. Naidu "obtaining in our midst today and the foreign political system under which we live are both unsuited to our future growth as a nation. The one denies political freedom, while the other denies social justice to the masses. Caste and communal movements are no remedies to our national wrongs. On the other hand communalism is a positive harm and an impediment to national solidarity. The recent evils in the Punjab and Madras have shown us that communalism is a menace to the national struggle for freedom. Progress, political and social, is possible only when you have succeeded in driving away the communalists from the political field.

Pledged to these ideals of political freedom and social justice, young men should organise themselves in small groups to promote and foster the growth of a United Indian Nation to remove all causes of inter-communal discord and separatist tendencies by vigorously working for the equality and liberty of man, by throwing overboard caste and creed distinctions. Young men should plunge headlong into the national service unmindful of the consequences. You may perish in this struggle. India wants thousands of

youngmen with love and life that Lakshmana offered to Sri Ramehndra in the Ramayana. Wherever our national self-respect is in danger, whenever the British attempts to tighten the grip over our country, youngmen should offer their services unsolicited. Nationalism is the most potent power that would make you a brave soldier. It is a panacea for the weary spirit. Kerala Youngmen should look out and lose no time otherwise you should fail behind in the race for National service. I ask every one of you assembled here to realise the great responsibility of a young man. Indian Nation is in the making and the work is great; your path is full of thorns. Your sacrifices may go un-noticed and unrecognised and even un-heard of. Our own countrymen would persecute you and belittle your great services.

### Resolutions.

After the presidential address was over Pandit Jawaharalal Nehru moved the following resolution:—This conference is of opinion that youngmen should dissociate themselves from communally separate activities and urges that they should unite and organise themselves on nationalistic principles to work for the liberation of the country."

The resolution was unanimously carried.

The next resolution appealed to youngmen to take to Swadeshi articles especially khadi in order to boycott the British and foreign cloths.

Another resolution called the Kerala youth to join the Hindusthan Seva Dal in large numbers. By the last resolution it was resolved that in order to carry on a vigorous campaign, politically and socially effective among the masses a band of whole time workers may be appointed and sufficient funds collected to maintain them.

With the concluding speech of the president the conference terminated.

## The Bombay Youth Conference.

An enthusiastic start was given to the Youth Movement in the Presidency at the first session of the Bombay Presidency Youth Conference which opened at Bombay on the 21ST JANUARY 1928 with Mr. K. F. Nariman in the chair.

A large number of messages from prominent leaders were read including one from Mahatma Gandhi, who hoped that the conference would fire the youth with the spirit of real service and declared that such services would not be of any use without the adoption of khaddar.

All the different problems facing the country were dealt with and the ways of approaching them adopted by the present day leaders were severely criticised both by the Chairman of the Reception Committee Mr. I. K. Yagnik and the President.

Mr. Yagnik appealed to the audience to concentrate on the education of the masses on the lines followed by the Russian Soviet Government, by which the students were charged with responsibilities of educating the peasants of selected villages.

While the Chairman did not stress on the details of the political aspect of the work before the youth, Mr. Nariman did not hesitate to urge that

even as the honour of Egypt was secured by the youth of Egypt, particularly by its attitude towards the Milner Commission, so should the honour of India be secured by the youth of India.

With reference to the Simon Commission, Mr. Nariman exhorted the youth to discard insincerity in political and social matters, and to establish an institution untrammelled by Government connection or control, where the national literature could be studied by the young men and women.

#### Resolutions Passed.

Next day, the 22ND JANUARY a large number of resolutions bearing on social and political problems were adopted by the Conference.

The most practical of them was one by which the Conference decided on mass education propaganda through a volunteer corps under the leadership of Mr. K. F. Nariman.

It was resolved that the volunteers should visit villages and working class areas and cooperate with the Central Youth organisation and other organisations in starting and supervising schools, libraries, etc., in the villages and cities.

Another resolution called upon the youth to encourage Swadeshi in its purest form and boycott British goods in particular.

A third related to communal unity and demanded that communal electorates should be abolished, and joint electorates be established in their place and that the recruitment to the public services should be based solely on the principle of merit.

Other resolutions proposed the establishment of an Unemployment Bureau, called upon the youth to form volunteer organisations, urged eradication of social evils, condemned Miss Mayo's book, declared in favour of making racing illegal and urged the immediate enforcement of prohibition in the Bombay Presidency, and protested against the Scout movement being made an Imperial movement and urged that it must be conducted on purely national lines, adapted to Indian conditions.

The last resolution condemned the Simon Commission and called on the youth to boycott it at every stage and in every form.

There was only one dissident who tried to put his case against the boycott, but could not get a hearing. The Conference then concluded.

### The Karachi Youth Conference.

The Karachi Youth Conference met on the 27TH MAY at Karachi. The audience amounted to about 5,000. Prof. Vaswani was elected president amidst great enthusiasm. The spacious pandal was decorated with inspiring mottoes. The youth band played.

The following are extracts from Prof. Vaswani's address :—

"I come to you as a Bhikshu in India long ago appeared. Millions do him reverence to-day. He became Buddha. In his heart was compassion for all creatures, in his heart was love for humanity and he said to his disciples : ' Go ye my disciples and ask people, if they keep remembrance.' I—a Bhikshu come to you with the question : ' Do you keep remembrance ? Do you remember her—India, the mother,—in your dress and diet, in your

studies and daily life? Do you remember Bharata? I know many of us talk of her but when did trick of talk help people? Look not for freedom in talk, in noise and excitement. What is needed is Shakti and Shakti grows in silence. Strength, more strength is what will take the nation forward. Not paper resolutions, but silent resolves have made nations great. Japan is a great nation; Japan is a silent nation; Japan has developed constructive qualities of character.

"India needs Ashramas for the young. In the nation's youth is my hope. They can make the nation new, but they must be bound together in the service of India. The Bharat Yuvak Sangha (or Fellowship of Young India) is meant to link together youngmen in different provinces for a common service through common love and reverence for India and her essential message is love for all races, for all religions. I believe that all nations are limbs of the one body of Divine Humanity and I believe that all religions are in a measure, small or great, reflectors of the one light—the light of the Spirit. I believe that we must build the national in the universal; we must build a new nation in Truth and Love. I believe also that a true international must reflect itself in the national. I believe that the world is waiting for a new type of nationalism—a nationalism that will be human, that will be spiritual. I believe also that the world is waiting for a new type of the international that will not be abstract, but a concrete international that will show itself in national institutions and make for the revival and reconstruction of the life of the nations. In other words I believe that international without national is empty even as the national without the international is blind. We need both and I may say that this ideal inspires the Youth Movement concerning which I am to speak.

"I attach great importance to bodily culture. To-day youngmen go about with broken bodies. I often say body-building is nation-building. I believe this to be profoundly true. Ancient Greece was great and I have asked myself the question what was the secret of the greatness of ancient Greece. Ancient Greece was highly intellectual but the civilization of ancient Greece was not merely of the intellectual type; her civilization was also æsthetic. More I study the history of Humanity the more I find that every vital civilization has been in a measure, small or great, a synthetic civilization. I believe the note of the coming age—the note of the new civilization is going to be built through fellowship between East and West. One fundamental note of the new civilization will be a note of integration. India fell because matter was sundered from the spirit. The body was separated from mind. India fell when she developed a contempt for the physical. Over and over again in the pages of Upanishads the Rishis sing that matter is a manifestation of the mind. I desire that body and mind, body and soul, which for a long time have been kept apart, should be reintegrated in the life of India. The conception of the spiritual life as divorced from the earth,—divorced from the material or physical needs—is to be combated. Youngmen should build up their bodies.

"I want young men to study lives of great heroes of India and those of the heroes of the other parts of the world. Let young men study the lives of Bhishma, Sivaji, Prithviraj, Hanuman, McSiney, Garibaldi, Abraham Lincoln and other great men of action. So will youth grow in the spirit of courage. In every month one day may be set apart as sacred to the memory of a great hero.



"The Sangha believes also in the value of ancient culture. It seems to me there are two extremes in regard to this subject. There are some who think that Indian culture is useless. I am afraid this was the view of Macaulay who said that the whole library of oriental literature was not worth a single shelf of occidental library. He thought Indian culture as useless. Then there is the other extreme. According to some Indian culture is perfect. I do not believe that any culture is final. I believe that human cultures progress as civilizations progress. Recognising that Indian culture is not the final, I submit in all humility that Indian culture has a great message for the modern world. Indian culture is permeated with the spirit of a great ideal and I want that the high, spiritual ideal to flow again into the life of India and modern world."

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## The Assam Youngmen's Conference.

The first session of the Assam Provincial Youngmen's Conference commenced at 8-30 A.M. on June 11th at Nowgong in the Hindu Conference Pandal. Sj. Tarunram Phukan, President-elect was conducted to the pandal in a huge procession singing national songs marking time with shouts of *Bande Mataram* etc. Proceedings began with a national song in chorus. Then Mr. Haladhar Bhuyan, Chairman, Reception Committee read out his welcome address. In the course of his speech the Chairman regretted the lull that overtook our national life. He appealed to all youths to wake up and take to service of the motherland. If they did not listen to the clarion call of the nation no youth from outside would come to the rescue. Outsiders came there only to plunder the riches of the land, for instance he revealed a huge monthly drainage of about 5½ lacs of rupees from Assam in lieu of cigarettes. He condemned the use of foreign cloths. The Chairmen finished his speech in a business like way chalking out the programme on the line of co-operative movement, physical culture, establishment of libraries and reading rooms etc. He appealed for Mahatma Gandhi's constructive programme. Then he appealed to have inspiration from liberalism of Mahapurush Sankar Dev and the sacrifice of Swami Vivekanand.

Then Mr. Harendra Chandra Chaudhury while proposing the President to the chair paid a great eulogy to Assam in the days of non-co-operation. He said that under the leadership of Sj. Phukan Assam found no mean place in the history of India. He believed that even now if Sj. Phukan, leaving the Assembly Hall to some other, goes to the villages Assam would rise again from where she had fallen. As regards the aim of this Youngmen's Conference he said that all the organisations, be it political social or religious, should have one and the same goal that was country's salvation. He appealed to Sj. Pukhan to come among them to lead the youths of Assam.

Then in the midst of thundering cheers the President delivered an eloquent, impressive and persuasive speech, in course of which he said that even at this ripe age of sixty he was ready to lay down his life for the country, but the apathy and callousness of his countymen had disheartened him. Finding no other means he had been yet clinging to the Assembly. He said that though the N. C. O. movement was gone the spirit was there. This sort of non-co-operation was practised by the Hindus whenever and

wherever their religion was attacked. Non-co-operation was the only means to attain our goal. He fully believed that the day should come when the country would again be mad after non-co-operation. Though some people for want of foresight thought that all our activities failed he assured those sceptic mind that materials were kept ready and the time was coming when a little spark would burst it into a great volcano.

He then dwelt at length on the boycott of the Simon Commission and how it was entrapping our leaders with the help of leaders as tamed elephants did wild ones.

He dealt with the urgency of physical culture and regreted physical degeneration of the youth. He said that though he was old he could challenge any young man present to fight a duel. He asked the young men to do all those things neglected by others. Young man should have no programme, their programme was to rush to where others do not.

The Presidential speech lasted for about one hour and a half. Resolutions forming Executive Committee, organising Akharas and associations throughout the Province etc. were adopted. Dr. Moonje and His Holiness the Garamouria Satradhikar were very kind to point out the physical degeneration of the youths and advised them to build their body and to have moral courage to take to constructive works for the Indian nationality.

Immediately after the Conference, the Assam Provincial Youngmen's Association passed a resolution requesting the All-India Jubik Sangha to send delegates to All-World Youth Conference nominating Professor Mohan C. R. D. Naidu the renowned Psycho-Physical culturist to represent India.

## The All-India Depressed Classes' Conference.

Amid scenes of enthusiasm, the business session of the All-India Depressed Classes' Conference commenced in New Delhi on the 26TH FEBRUARY 1928. The large audience included delegates from all the major provinces of India; and among the distinguished visitors were Mr. J. A. Shillidy, I. C. S., Mr. Vidyasagar Pandya and Pundit Shambehari Misra from the Council of State.

### Presidential Address.

Rao Bahadur M. C. Raja, in opening the session, said that their presence in large numbers, indicated the interest they were taking in the movement. It showed that they were nearer their goal, and would soon come into their own.

At the outset he outlined some of the points which would be placed before the Statutory Commission on their behalf, and then pointed out that their movement was a national one for the uplift of 60 millions of people. He did not want to include in the term depressed classes any class that did not belong to the "untouchables" or Adi-Hindus, for there were many who liked to come under this category only to get special treatment from the Government. The main question before the depressed classes was whether they had gained by the transference of power from the Bureaucracy to those returned as representatives of the people, and whether the Montford Reforms had increased their happiness. His answer was an emphatic "No." The greatest

calamity that could befall India was the immediate grant of self-Government. The administration of the transferred subjects in the Provinces had not been a success, because they had not produced the proper type of men whom democracy required—men with liberal sympathies transcending distinctions of caste and creed.

The depressed classes would co-operate with the Simon Commission in order to tell them that, for two thousand years and more, the so-called high caste Indians had treated them worse than beasts. A dog could sleep on the bed of its Brahmin master, but a person of the depressed class would be treated as a barbarian of the darkest ages of the world, and would be denied water to drink and made to live in a hovel not fit for pigs to live in. They would tell the Commission that they could not but view with fear and anxiety, the decreasing power of the British element and the increasing power of the caste-bound oligarchy, and that the Commission should on no account sacrifice the interests of the weak minority communities, to the wishes and sentiments of the majority community. They would tell them that the politically minded classes formed but a microscopic minority who were now nervous of being exposed regarding their real attitude towards the depressed classes, and were therefore afraid of facing the Commission.

Unless the depressed classes, who formed one-sixth of the population, were given the fullest opportunity for development, physical, mental, moral and spiritual, India would never get Swaraj.

They wanted proper and adequate representation in the various legislatures through communal electorates, and not by nomination. Communal representation, through special electorates, was needed to enable them to send real representatives who alone could faithfully communicate to the Government the wishes of the depressed classes and not the selection by the Madras Government of a Brahmin to represent the depressed classes—a nomination which was a negation of all principles of democratic representation. Mr. Raja also urged the appointment of one member of the depressed classes to the Provincial Cabinets, and also one to the Executive Council of the Viceroy. Concluding, he declared that the depressed classes did not want to join any party. They had their own party and they would do what they thought was right and wise.

#### Proceedings and Resolutions.

The Conference then adopted three resolutions. The first resolution expressed loyalty to the British Throne and also recorded its condolence at the deaths of Sir George Paddison, Mr. K. Munuswami Pillai and Mr. Likiram Chaudhri.

#### The Simon Commission.

The second resolution expressed confidence in the composition of the Indian Statutory Commission, and recorded its appreciation of the British action in appointing it before 1929. The Conference requested Sir John Simon not to overlook the representation of the Depressed Classes on any Committee, central or provincial.

The Conference also appointed a committee to collect material to be placed before the Royal Commission, and called upon all associations in different provinces to place their case before the Commission.

Mr. B. C. Mandal (Bengal) in proposing the resolution, said that India was weak socially, politically and economically and could not win freedom

by force. The only course now open for them was to get self-Government by supplication and by co-operating with the Commission. All through the past for centuries, inhuman treatment had been meted out to the depressed classes by the Hindus; and their lot did not improve under the Mussalman regime. Under the British rule, they were politically equal to the highest castes in the country, and with Lord Birkenhead's assurance their future was safe. Unless and until the high classes removed the caste barriers, they (the depressed classes) would not co-operate with the higher castes, either socially or politically. The Depressed Classes were equal in number to the Mussalmans and therefore should be given the same treatment as was accorded to the latter.

The resolution was largely supported by delegates from Bombay, Barar, Central Provinces, United Provinces, and the Punjab and was passed unanimously.

#### Demand for Separate Electorates.

The last resolution urged upon the Government to create separate electorates for the Depressed Classes and to widen the franchise to enable their representatives to seek election to the various Provincial and Central Legislatures. They also requested the Government to increase the number of seats in the legislature for the depressed classes in proportion to their number, and condemned the present systems of nomination as inequitable, as non-depressed class people were nominated to represent them. The Conference adjourned.

Next day, the 27TH FEBRUARY the first resolution urged upon His Majesty's Government to appoint members of the depressed classes on the Executive Councils in all provinces.

The second resolution demanded of the Government of India proper and adequate representation of the depressed classes in all the public services.

The third resolution requested the Government to appoint members of the depressed classes as "chief protectors" in all provinces, apart from Labour Commissioners, to safeguard their interests.

The fourth resolution appealed to the Viceroy to appoint a member from the depressed classes to the Council of State.

The fifth resolution, urged upon the Government of India to proscribe "Manu Smriti" and the "Chamar Nama" written by Shorkhan.

By the sixth resolution, they appointed a committee consisting of Messrs. Gawai, Dovidass and Mandal to investigate into the grievances of the depressed classes in the Punjab and authorised them to place the same before the Government. The Conference sympathised with the Satyagraha started in Amraoti and other places.

The next resolution urged upon the Government the necessity of appointing members of the depressed classes to represent labour in the various legislatures of the country, as they formed the bulk of the labouring population of India.

The eighth resolution requested the Maharaja of Kutch (Mandvi) to repeal the "Bhundi Bhuchi", which was levied on the depressed classes only, and causing great hardship.

The last resolution urged upon the Government of India to take steps to put an end to the evil practice of employing poor depressed class tenants by the landlords in U. P., Punjab and C. P., without any remuneration.

# The Indian Science Congress.

The fifteenth session of the Indian Science Congress opened at Calcutta on the 2ND JANUARY 1928 and divided into sections on the next day when the Presidents of the Agriculture, Botany and Mathematics and Physics sections delivered their presidential addresses. There was no Medical Section this year as all papers were read during the Tropical Congress.

Dr. De Groff Hunter who opened the Section of Mathematics and Physics, in the course of his speech dwelt on the shape of the earth and the views of the early inhabitants on this problem. He said orthodox persons refused to believe that the earth was a globe and would not tolerate a different view. Sir George Everest's constants were the basis of all the maps of India to the present day. Archdeacon Pratt of Calcutta took up the calculation of the attraction of the Himalayas. He formulated the hypothesis of compensation of mountains, by which it was supposed that the matter underlying mountains was of less than average density. At that time the earth was generally believed to have a molten interior, and mountains were considered as in a sense floating.

The Geology Section was opened under the presidency of Prof. H. C. Das Gupta of the Presidency College, Calcutta. Mr. D. C. Nag read a paper on the occurrence and genesis of the tin deposits of Gaya District. The deposits presented several remarkable features.

Mr. Swaminathan read a paper dealing with Garnets. The scientific as well as the economic aspects of the deposits were the subject of active discussion in which Professors Krishna-swami and Mr. J. C. Gupta took the leading part.

## Anthropological Section.

Over the section of Anthropology Dr. M. S. Gupta presided.

Mr. Asoke Chatterjee, in the course of a paper entitled "A plea for the protection of Aborigines in India" stated that some of the Aboriginal tribes in India, such as the Audamanese, were fast dying out. It was necessary that steps should be taken for their protection and preservation before it was too late.

It was resolved that in view of the fact that it would be prejudicial to the economic and cultural interests of the aboriginal tribes of India, should there be unrestrained contact between them and individuals representing a different state of culture and progress, the Government be approached by the Indian Science Congress to institute an immediate enquiry by competent anthropologists and other men to go into the situation and to formulate protective legislation in the light of such an enquiry.

It was further resolved that the Statutory Commission be approached specially to consider the case of the aborigines of India and to allow the Anthropological Section of the Science Congress to state before the Commission in detail the case of the aborigines in British India and Indian States.

## Agricultural Section.

In the section of Agriculture under the presidency of Rao Sahab T. S. Venkatraman papers were read on "Electricity and Agriculture" and "Factors influencing the growth and sugar-contents of cane".

Rao Sahab T. S. Venkatraman, in the course of his presidential address, referring to the sugar industry in India said: "The Indian consumption of sugar and sugar products is at present, largely, in the form of jaggery. A fourth of it however is in the form of refined sugar and now the bulk of this article—over 85 per cent—has to be imported from outside, at a cost of about Rs. 15 crores each year. In one year, the value of the article thus imported exceeded 26 crores. The dumping of refined sugar into the country is a serious drain on our wealth. It further exerts an adverse effect on the home industry, and might ultimately lead to the extinction of this crop.

"It is now widely accepted that sugarcane probably originated in India and spread to other countries from here. It was an interesting curiosity to our visitors in the years before the Christian Era. Alexander the Great was much struck with it, and his followers named it the "Honeyed Reed" or the reed which makes honey without the help of bees. The Indian area under sugarcane is nearly half that of the world and hence much greater than that of any other single country. This ought to give India the premier position as sugar producer. But to-day she has to import large quantities of refined sugar from outside and across wide seas even to meet her domestic needs."

#### "Radiations and their uses."

A very interesting lecture was delivered by Prof. G. R. Paranjpye, Professor of Physics of the Royal Institute of Science, Bombay. He dealt with "Radiations and their uses." The lecture was illustrated by cinema films and lantern slides. The lecturer said:—

"Light is perhaps the most wonderful of all visible things. Light enables us to see things about us; but it does something more than that. Although light has been a very familiar thing to mankind, its constitution and structure and the very rich variety of its effects, physical, chemical and biological, are still shrouded in mystery. The study of the composite nature of light began with Newton in 1666. Following him the famous astronomer, Herschell, discovered that there was more heat in the region beyond the red end of the solar spectrum than anywhere else. Later on, it came to light that there exists beyond the violet end of the solar spectrum an invisible region which is very efficient in bringing about chemical reactions. These are Ultra-Violet rays, and popularly known as chemical rays. It is known to-day that outside the rays of light that we see and the rays that we feel but cannot see, there are millions of rays on either side of the spectrum.

"About fifty octaves of radiations are known to-day. One octave covers visible rays. About nine octaves of infra-red rays are associated with heat. There are twelve octaves of waves known popularly as electro-magnetic. Longer than these are the wireless and radio waves occupying something like twelve octaves. Among the shorter waves having higher frequencies than these of visible light, are the Ultra-Violet rays covering nearly three octaves. Beyond these are something like seven octaves of X-Rays. Any one of these radiations can now be produced, and in fact most of them have been brought under remarkable control and pressed into the service of man. The longest waves are used for commercial and social wireless purposes, and the shortest waves given out by Radium are used for medical purposes to cure the dreadful disease, cancer.

"The natural sources of light are obviously incandescent bodies, typical of whom are the sun and the stars. The vibrations of light emitted by the

sun are most varied and of wonderful complexity. The sun and the stars are emitting countless quantities of energy. Of the sun's energy, only two thousand millionth part reaches the earth, i.e., what we receive is an infinitesimal amount of the energy emitted, and what we perceive by the eye is an infinitesimal amount of what we receive. The sun is regarded as the prime source of all energy, and it is recognised that a large number of chemical can be started from radiant energy. The living animal takes as food the stored-up energy from the sun.

The ultimate source of all radiant energy is found in the movement of ultimate units that go to constitute matter. These units are electrons and protons, which are very minute charges of positive and negative electricity. The possibility and indeed the fact of the diversity of the world, as we know it, is supposed to be mainly a consequence of the varying combination of the two units. In the atoms of different substances the number and movement of the electrons are different. Owing to some unknown forces of attractions and repulsions, the normal pulsations change their orbits and consequently their frequencies. When an electron is jerked out of this orbit, and when it moves to an inner orbit a quantity of energy is emitted. This energy is radiation. The most complicated question in connection with this, is to find the cause which ejects an electron. The subject is at this stage, a matter of great speculation. Of late however there has been brought to light a good deal of chemical evidence to account for the movements of electrons. The emission of radiation indicates a large amount of energy which is stored up inside an atom and naturally therefore such stores of energy cannot be found in all atoms. It is the property of only a small special class like radio-active atoms.

Solar radiations that reach us consist of about 80 per cent of infra-red heat waves, 13 per cent of light waves, and only 7 per cent of ultra-violet waves.

This is due to the fact that the majority of ultra-violet rays are absorbed by the thick atmosphere surrounding the earth. In the late War, invisible ultra-violet rays were used successfully for signalling purposes. None except the parties concerned were aware of the despatch of signals. The signals were received only on a special screen fitted in telescopes and field-glasses.

Although ultra-violet rays were the first known agency to set up a chemical reaction, it is recognised that chemical reaction takes place in the presence of all radiations, visible and invisible. Those of short as well as those of long wave-lengths are effective, only differing in quantity. A peculiarly interesting application of the ultra-violet ray is found in the leather industry. There an exposure to radiations makes patent leather more deeply coloured and glossy.

The sun has always been regarded as the prime source of radiant energy. The knowledge of the purifying power of the sun is about as old as the human race. The effect of radiations on tissues and living cells are very complex. The action of ultra-violet rays on the skin is very interesting. Considerable dilatation of the blood capillaries takes place. This relieves congestion of the deeper parts, and improves blood circulation in the exposed region.

Radiations are capable of destroying bacteria. One great use of this action is found in the purification of water. Water can be made so steric that if fresh bacteria are added to water treated with ultra-violet rays within

an hour 90 per cent of the organism are killed. A most remarkable effect of the rays is found in Rickets, where the harm done by bad-food, is neutralized by the exposure of the body to radiations. Most of the ill-effects of deficient diet are delayed by exposure to sunlight, which contains seven per cent of ultra-violet rays. Human beings suffer from lack of sun light. Vegetations depend upon the sun for their proper growth. If sunlight is deficient, the vegetable part of our food suffers, and we in consequence. In a similar way cows in the larger towns are affected. This has an adverse influence on the child's life, in whose food, milk plays such an important part. The normal individual in normal surroundings may not need either of these radiations. But it is not an exaggeration that the lives of the people in the large towns are anything but normal. The cities are characterised by numberless tenements having no light at all, or very poor light. Cities are characterised by a large number of diseases and epidemics, with a high percentage of tuberculosis. Cities are also characterised by a large number of medical men who restore normal health by administering drugs. This may all be superfluous if only a sufficient supply of sunshine is guaranteed to rich and poor. Villagers in the country may be ignorant. They may be poor and they may not have swallowed any drugs at all. But they are healthy in spite of their extreme poverty, because they have at their disposal an unlimited supply of the sun's energy. Their doctor is the most powerful and the most energetic of all doctors i.e., the sun. He cures them of their illness, and he does something more. He never lets them fall ill."

#### Meeting of Zoological Section.

The Congress met again on the third day, the 4TH JANUARY. The presidential address was delivered in the Section of Zoology by Dr. B. Sundara Raj, on "A Neglected Aspect of Biology." In the course of his address he said :—

"I cannot express, in adequate words, my sincere thanks for the signal honour you have done me by electing me president of the Zoology Section of the Science Congress this year. My hesitation in accepting your gift was great. When I looked at the list of my distinguished predecessors, I was far from sure that I deserved the distinction you have so generously bestowed upon me. The accepted convention of this august assembly imposes upon me the duty of delivering a presidential address on some aspect of the science we represent, which is of immediate interest and significance, not only to members of this section, but of other sections and to those of the general public who have an interest in Zoology.

"It is no light responsibility to be called upon to address a gathering of Indian Zoologists. The choice of a suitable subject has weighed upon me heavily for a long time, especially as I found that others before me had already dealt with those aspects of the subject with which I may claim practical acquaintance. At least two presidents before me have dealt with Fisheries and Oceanography; and, though it is expected that the president should deal with some subject in which he has himself been interested, I have reluctantly to set aside my temptation to speak on that branch of zoological research. Further, I am in entire agreement with my distinguished predecessor, Lt-Col. Sewell that the presidential address should not be confined to any one particular branch of zoological research, but should deal with some aspect that has a general interest for all. I therefore crave your indulgence for departing from the beaten track, and for choosing for to-day's



discourse a theme which is of the very greatest importance and interest to humanity, even though it may not be of immediate practical concern to any of my audience."

Proceeding he said: "It is true that as Biologists, we are concerned only with life; but the life that we are concerned with in our researches, is life which has a physical basis. Even the most elementary knowledge of Biology is sufficient to show that its subject matter is primarily concerned with the size, shape, age and activities of living things which constitute organic phenomena. Of the character, that distinguish one species from another, the most outstanding are the anatomical differences, that is differences in shape and size, and the physiological differences such as birth, growth, age, death, including the nutritive, respiratory, excretory, and reproductive functions of the organism. All these involve, without exception, physico-chemical properties and processes such as, size, shape, mass, motion, velocity, molecular and atomic structure, to all of which relativity has a direct and vital bearing. Therefore, the application of the principles of relativity to such physical phenomena of life becomes an imperative duty, if the full implications of Biological truth are to be comprehended."

Concluding he said: "We are gradually led, step by step to the view that both living and non-living things are far more intimately related than ever suspected before, and form a coherent whole or unity. The universe is appreciably one composite whole; and relativity would seem to have knit together the aims, methods and concepts of all the sciences on the one hand, and even of philosophy and metaphysics on the other."

#### The Chemical Section.

Prof. S. S. Bhatnagar presided over the chemical section and spoke on the progress of chemical research in India. In course of the paper he dwelt on the works of the late Sir Alexander Pedler, F. R. S., Sir P. C. Ray, Dr. N. R. Dhar and Sir J. C. Bose. He referred to the work of Prof. J. N. Mukherjee in this connection, and concluding said: "The success of Professors Raman and Saha ought to be an object lesson to the physical chemists in India, who should realise that with the imagination and versatility of intellect which they possess, they could have achieved very much more if their mathematical equipment had been better than that provided for by the Indian universities when they were students. It is time that the educationists in India recognised the importance of a better knowledge of mathematics for all students of physical science. The chemists themselves should come forward and learn mathematics and advocate improvements in the teaching of it in our university curricula."

#### Psychology Section.

Prof. West presided over the section of psychology and dealt with psychology and education. Summarising his paper he said: "I have shown you two diametrically opposed schools of educational psychology, the one emphasising the type, the other emphasising the individual growth. The essential function of the school as it exists to-day is to produce conformity of knowledge and skill which are the common needs of all. The function of Educational Psychology here is to make the process of learning these necessary things as efficient as possible. The more efficiently and expeditiously we are able to dispose of this uniform and inevitable part of education, the more time and energy will remain for the free and more self satisfying part.

There is need for a type of this institution which shall give to the growing child the means and the opportunities for developing his own peculiar interests. The more advanced experimental schools of the present day tend in this direction. For myself, I doubt whether it should be called a school save for mere etymology. I am doubtful whether it should even be in the same building. It would perhaps be better to leave the traditional type of school to fulfil its traditional and very necessary function, and to develop this new type of institution untrammelled by precedents which are so far opposed to its nature and purpose. Man's essentially constructive mind, in the past, found a great affinity to the work of a potter than to that of a gardener. Later there was a reaction to liberty and individuality. In some ways this has been found to be a misguided reaction; and now education is in a state of flux, and Educational Psychology no less so. It is the task of the future, a task in which the schoolmaster and the psychologist and the parent must co-operate to reconcile and to delimit the spheres of these two equally necessary purposes in education. There is no country which has greater opportunities than India of contributing to this work, if it will but use them."

Prof. Chatterjee opined that the most immediately important problem was to detect the backward child, who impeded the progress in schools of the normal.

Mr. A. K. Dutt said that only 6 per cent of the population was at school; but only 20 per cent of that 6 per cent obtained literacy. This was due to the failure in the schools to make separate provision for different grades of intelligence.

Mr. Haridas Bhattacharya said that the rapid change from agriculturalism to industrialism in India placed an increasing strain upon the youth of Bengal. They could not adjust themselves to the rapidly changing circumstances.

Lt.-Col. Berkely Hill: It is economically unsound to make the parent of the clever child pay for the education of the dull.

Dr. G. S. Bose referred to instances in which genius and mental deficiency were found in the same family.

Dr. West said that owing to the absence of any effective system of primary education in the country the high schools contained a random grouping of the whole population, covering the full range from defective to super-normal. Most of the educational difficulties were due to the fact that they were endeavouring to give higher education in a foreign language suitable only to the supernormal.

Mr. Hemchandra Banerjee described three languages of gestures independently evolved by dumbchildren, and the deaf and dumb schools of Calcutta, Dacca and Barisal. In certain cases some signs had been independently evolved in the three schools. He discussed how far these signs took the place of words in the thoughts and dreams of the deaf mutes.

Mr. A. K. Dutt gave an account of intelligence tests applied to Bengali children. He concluded that owing to the difficulty of discovery of the true age of Bengali children and owing to absence of schools for treatment of defectives, such tests were at present less valuable than adult intelligence tests, used for the selection of candidates for admission to colleges.

Mr. D. K. Chakrabarthi gave the results of enquiries made to determine the relative importance of various arithmetical processes in the actual

lives of adults living in Bengal, and discussed the significance of this research in reference to the framing of the curriculum.

Mr. A. K. Dutt described the objective examination of school-subjects made by means of numerous questions requiring short answers and compared the results with those of the traditional essay-type examination. He concluded that the objective examination was both more searching and more reliable.

A resolution was passed by the section urging the Central Government to organise research into the problem of mental deficiency in India.

#### "Chemistry in Modern Warfare."

Prof. J. C. Ghosh delivered an interesting lecture on "Chemistry in Modern Warfare." He said the initial success of the Germans in capturing the fortresses in France and Belgium was due to the use of high explosives. These explosives were manufactured with Nitric acid, as the basic chemical. The Germans feared that the English supremacy at sea would cut off supply to the ordnance factories at Germany. Hence, their chemists at the beginning of the present century devoted considerable attention to the manufacture of nitric acid from Nitrogen in the air. The great success which the Germans achieved when the War began, was by the free use of poisonous chemicals for the destruction of enemy-soldiers and for making uninhabitable considerable tracts of country in the enemy's possession. The Germans used these chemicals in the year 1915 and large casualties occurred in the Canadian division and the connection between the French and British army on the western front was almost snapped. The measures used by the British army consisted in the use of charcoal box-respirators as it had the property of absorbing poisonous gas; but at a later stage of the War when the Germans used an extraordinary gas which produced temporary blindness, masks with big glasses for the protection of the eyes had to be used. In 1918, the Germans improved upon their gas warfare by using a solid compound of Arsenic which produced a violent sneezing effect. The gas defence therefore had to be considerably improved and the soldiers had to be provided with complete Oxygen respirators.

#### Anthropology Section.

On the 5TH JANUARY, in his presidential address before the Section of Anthropology, Dr. S. B. Guha of the Zoological Survey of India, mentioned the chief gaps in the knowledge of the racial history of India. He said the Anthropological work carried on under Government initiative and private enterprise had been, so long, mainly of a preliminary nature only. The time had come for a close and most intensive study. The problems brought to light were of great complexity and could not be solved except by deeper researches.

The most important of these problems so far the living population was concerned, were in the opinion of Dr. Guha, four, namely, (1) a thorough investigation among the aboriginal population of India to find out if there were traces of a truly Negrito element or not. Evidence on the question was conflicting, though the prevailing opinion did not seem to favour its existence. (2) A settlement of the so-called Dravidian question. The term "Dravidian" was linguistic, and included three distinct racial elements among its speakers, e.g., a Vedda-Australoid type, a dark Mediterranean type and a more or less mixed Alpine type. The last was concentrated in the

West up to longitude 78 east and did not extend beyond latitude 12. It appeared merely to be the southward extension of the Brachycephalic race seen along the Western littoral of India up to Guzrat. In the opinion of Dr. Guha it was an intrusive element in Southern India, and had nothing to do with the race responsible for the introduction of the Dravidian language. In the absence of conclusive archaeological evidence, however, nothing more could be postulated than the probability that the Mediterranean type was also an alien element, which came in with Sanskrit culture. If that view was finally borne out, then the original racial type of the Dravidian people would come to be the Vedda-Australoid type as Risley and Turner had supposed. The third problem to be investigated was how far the element dominant in the Punjab and North-Western India extended eastwards. Did it really stop at the boundaries of the Punjab or did the main type in the United Provinces belong fundamentally to that category? The evidence was not conclusive, and further investigation was necessary.

The other problem was the study of the distribution of the Brachycephalic type in India. As already noticed it was present along the western borders of India, but the question was whether it extended through Central India to Bengal. The Mongolian origin of the dominant type in Bengal, as attributed by Risley was, in the opinion of Dr. Guha, entirely erroneous, for the typical Mongolian characters did not occur in Bengal. Besides, both culturally and physically, the Bengali Brachycephalic type was linked up with that of Bombay whose original immigration probably dated back from some unrecorded very early times. Finally, from whatever standpoint it was approached, the proper reconstruction of the racial history of India was not possible unless a thorough search was made for the remains of the pre-historic inhabitants in the extensive archaeological sites seen throughout India.

In the past, research in Indian archaeology meant only the reading of inscriptions. Fortunately the recent discoveries in the Indus Valley and their direct supervision under the present Director-General of Archaeology boded well for the future, and there was no doubt that important branch of knowledge would proceed on the proper scientific lines, which would help gradually in the correct reconstruction of the racial history of India.

After the presidential address, Mr. K. N. Chatterjee, (Calcutta), read a paper on the use of nose-ornaments in India. Several other papers were also read and discussed.

Rai Bahadur Sarat Chandra Roy (Ranchi) read a paper about the primitive religion in Chotanagpore criticising the conception of Sir Herbert Risley.

Dr. Kalidas Nag (Calcutta) discussed India's contributions to the culture of Indonesia.

Dr. B. Prasad read a paper on "a primitive type of boat used in E. Bengal" and compared it with the buffalo skin rafts, which are used in other parts of India as substitutes for boats.

Mr. Ramaprasad read a paper on culture contact in ancient India, and showed that possibly the caste-ban originated because of differences in culture.

#### Geology Section.

The Geology Section met under the presidency of Prof. H. C. Das Gupta. Among those present were Dr. Simonsen, General President, Rai Bahadur Chunilal Bose, and Dr. Pilgrim.

Prof. Das Gupta in his presidential address said that Geology as a science had not had the same amount of encouragement at the hands of the University authorities as some might have expected. It was pointed out by him that the general public very often failed to realise the importance of Geology as a pure science. He referred to the speech delivered by Sir Thomas Holland in 1926, wherein Sir Thomas pointed out the neglect of the science. The speaker appealed to the educational authorities in India to consider seriously the remarks of Sir Thomas Holland, and give Geology a place in the university studies that rightly belonged to it, to equip the Geology departments with men and money, and afford facilities to the teachers that they might carry on their two-fold duty of training up the students and carrying on research.

He concluded his address by saying: "Hopeful indications are already on the horizon, and I am quite confident that if the university and other educational authorities do not fail to encourage the teachers of Geology in every possible way, the teachers will also not fail in their turn to contribute their quota to the investigation of the geological problems of this country.

#### Psychology Section.

In the psychology section, Mr. Haripada read a paper on the problem of Hindu-Moslem unity. He suggested that the culture of any people was the outward presentation of certain fundamental ideals which were rooted in the unconscious mind. He said that on historical grounds, it was to be expected that the Hindus and Moslems should possess essentially different attitudes towards the mother-country. The increase of political self-consciousness had tended to emphasise the difference. He emphasised the importance of inter-communal social intercourse, and inter-communal dinners as preventive measures. He suggested that eating together possessed a special psychological significance.

In the discussion which followed Prof. Chatterjee referred to the educational aspect of the problem and deplored the organisation of education on a communal basis. Dr. N. N. Sen Gupta emphasised the importance of a study of the causes of the conflict in the light of Social Psychology.

Lt. Col. Berkeley Hill said that the crux of any sociological problem associated with such intense emotion must lie in the unconscious mind. Those who relied upon merely cultural and educational measures to mitigate the communal tension, were doomed to disappointment. Such measures were not likely to touch or influence the unconscious mind.

#### Botany Section.

In the Section of Botany, the President Prof. Parthasarathy Iyengar, delivered his address on Tuesday, the 3rd January. In his address he summarised the work done on Indian Algae from 1830 up to the present time, and stated that although the work was fairly considerable, there was still plenty of scope for further research. The address appealed to the Botanists of India, to devote more attention to that group of lower plants, as many of the important problems relating to higher plants and animals were more easy of solution through study of the lower plants, the conditions of life in Algae being less complex and more easy of control for purposes of experimentation than in the case of higher plants. One of the many lines of research which might be profitably followed in India was the study of soil Algae. The proper functioning of the Bacteri-

depended a great deal on their association with the soil Algae. The interesting problem of geographical distribution of Algae was discussed. Finally the advance made in other countries on the Cytology of Algae was discussed. The need for intensive research in that direction by Indian Botanists was stressed as its study besides being scientifically interesting had an economic interest as well.

### "Inheritance in Plants."

In the evening, Dr. M. A. Sampathkumaran of Bangalore, delivered a popular lecture on "Inheritance in Plants and Animals".

Both the morphological and cytological changes that take place in progeny were illustrated. Those laws of inheritance, the lecturer said, could be applied to the cultivated plants and domestic animals. In all the civilised countries where agriculture and animal husbandry were improved every day, those scientific laws were taken advantage of and many diseases of plants and animals were eradicated. He explained that even in human inheritance, the application of those laws could be instanced in the case of certain diseases like Epilepsy, Insanity, feeble-mindedness and congenital deafness. The lecturer made an appeal for improving human population by enacting better marriage-laws, and freeing the world from the offspring of those that suffered from such diseases. Considerations of wealth and social position should play no part in the contracting of marriage alliances, but on the other hand they should be physical, moral and mental.

### Chemical Industry in India.

At the sitting of the Congress on the 6TH JANUARY, the annual meetings of the Indian Chemical Society, Indian Botanical Society and the Indian Psychological Association were held.

The meeting of the Indian Chemical Society was held at the Presidency College, under the presidency of Prof. Gilbert J. Fowler, Director, Cawnpore Technological Institute. Among those present were Dr. P. C. Roy, Dr. J. C. Ghosh, Dr. Bhatnagar, Dr. J. N. Mookerjee, Mr. Stapleton and Mr. Smith. There were assembled about 500 persons, mostly chemists and students of Chemistry.

Dr. Fowler delivered a very interesting lecture on "Chemistry in the Service of India." In the course of his lecture, he said that in India untold millions were eking out a bare living on the verge of starvation. The poverty trouble was not confined to the tillers of the soil. The difficulties of the Indian middle class were well-known. How chemistry could help in the solution of that problem and how in the solution of that problem Indian chemists could help themselves was the subject which he desired them to consider.

He continued: "At this point I should like to emphasise what has been so well stated by Sir P. C. Ray in his note to the report of the Thorpe Commission, that chemistry in the service of India does not necessarily mean the same thing as Indians in the Chemical Service. Until an increasing number of Indian students of chemistry are able to earn a living outside of appointments under the Government or outside of subordinate positions in large business concerns, the problems will not be solved; nor will the chemical science be really applied to the service of this country in any effective way. Moreover, year by year, more and more young students of Chemistry are being turned out in increasing numbers by the universities and technical institutes,

All of these cannot expect to find Government posts. Already warning voices have been heard from the commercial world that the existing mills and factories are nearing saturation point so far as the employment of chemists is concerned. Moreover, many of those who are employed cannot be termed anything more than analysts whose prospects are necessarily limited. On the other hand, those of a wide-training who can claim to be technical chemists, or at any rate would become such, if given opportunity, have great difficulty in obtaining suitable employment. Some especially brilliant men have, to my great regret, forsaken the profession for lucrative employment elsewhere. To arrive at some remedy for this state of affairs, we may perhaps usefully consider the situation systematically under the following heads: (1) industrial conditions in India, (2) chemical education in India, (3) existing outlets for chemical students and (4) future developments.

We have to bear constantly in mind the fact that industries nearly always have began as arts; and, it is only after a certain stage of development has been reached that the assistance of advanced science is called for. Metallurgy has now been applied on a vast scale and in an industrially developed country affords employment for many specially trained men. But outside of Jamshedpore, how many such openings are in India? Nevertheless, excellent steel was made in Sheffield before the advent of the chemist mainly because a large population of labourers had grown up in whom the knowledge of iron and steel production and working was inbred.

Until the chemist is able not only to give scientific descriptions, but also to be responsible for the actual control of the technical process, possibly the illiterate workman, who can actually do things, is the more valuable individual. Industries come into existence, and carry on, at any rate, to some profit before thinking about chemists. Therefore, the chemist has to prove his value to the manufacturer. I am as certain as ever that no serious progress can be made in application of science to industry in the absence of men who possess this technical sense. On the other hand it has become clear that development in India of large-scale manufacturing industries, requiring the service of such men, will be at a much slower rate than was at one time thought likely, owing to the absence of an industrial population such as I have referred to in the case of Sheffield. I feel therefore that the industrialisation of India must come gradually by careful utilisation of the material obtainable. The material we are primarily concerned with is the Indian chemist, which brings to our second matter for consideration.

Speaking in Calcutta, there is no temptation to question the ability of Indians to carry out scientific research of the highest order. It is sufficient to mention the names of Sir J. C. Bose, Dr. Ray and Prof. Raman. I feel strongly that the whole programme of the teaching of science in our schools and colleges needs revision in the direction of a greater sense of reality. What is required is something of the nature of what used to be called Natural Philosophy, which might be defined as the illustration of scientific principles from the world we live in. Such a course was to be found in an excellent handbook for French schools by Paul Bert in which were given in a most interesting fashion, with copious illustrations, the elements of Botany, Zoology, Physics and Chemistry.

It is encouraging to find from the statistics in my possession that, although the proportion of chemical students turning to teaching of Government service is still high, there is a distinct increase, of late years, in the

number of those engaged in manufacturing industries. A number of manufacturing concerns have recently employed a trained chemist for the first time and have found that he has more than earned his salary. There is a large opening for scientifically trained commercial travellers to develop the demand for the products of chemical and kindred industries. The extraordinary success of the advertising campaign of the Tea Planters' Association should stimulate the like enterprise in other directions. I look for a great increase in chemical work in connection with agriculture as soon as the Royal Commission has reported.

Every man who can start a paying industry, and carry it on, by his own initiative, is doing the very finest service to his country, as well as building up a happy and independent career for himself. Here will be the test of the reality of the training which our schools and colleges can give, not necessarily a training sufficient to qualify for immediate financial responsibility in industry, but at any rate a training in essentials and in the right attitude of mind. It has been said that the young subaltern on receiving his commission is not expected to perform the duties of a general, or to be able to devise schemes of strategy and tactics; but at least he should be able to deliver a squad of men at a given place, punctually at a given time.

It is this quality of trustworthiness that, more than anything else, is required of the budding industrialist. I would urge that the Indian chemist has an unlimited field for his energies. It seems impossible to conceive that such a fascinating work could, for a moment, be deemed derogatory to social dignity. Unintelligent, monotonous toil may be felt to be unworthy of so-called educated people, but such work afford possibilities of great increase of material wealth to the individual, and to those associated with him and ultimately to the whole country."

#### Chemical Society's Report.

The report of the Chemical Society which was adopted showed that it had a unique record of rapid progress made within the space of three years and a half. It had 400 members on its rolls. Its journal, as was evident from the fact that all the papers were abstracted in leading chemical journals all over the world, had an international status. The society had two sections, one at Lahore and the other at Bombay. The Bombay section owed its existence mainly to Dr. M. Mulla Prasad. The Lahore section owed its existence to Mr. Bhatnagar. The Chemical Society of the Presidency College owed its present position to the strenuous work of the retiring secretary, Dr. N. Mookorjee, who was selected Vice-President in the place of Dr. J. L. Simonsen.

A resolution was passed expressing deep regret at the death of Sir Ganga Ram and offering condolences to the bereaved family. This was carried, all the members standing.

#### Discussion on "Power-Alcohol."

Prof. H. K. Sen of the University College of Science, read a paper on "Power Alcohol." Two natural products of the province of Bengal were Gangwe and Water Hyacinth. The former was a tree growing very abundantly in Sunderbans and the cheapest wood in the market. There were at least 100 tons of sawdust available from the saw mills of the city. By introducing proper forestry regulations the growth of the tree in the forests could be maintained perennially. Prof. Sen obtained 30-40 gallons of Alcohol



from a ton of Gangwe sawdust. The usual figure obtained with other varieties in other countries was in the region of 20-22 gallons. The cost of production per gallon of spirit was shown to be 6'05 annas, which pointed therefore to a great prospect for the industry in the province. It was also stated that the Union Distillery of Calcutta managed by Dr. Bose's Laboratory were arranging to erect an experimental plant to give the process a large-scale trial. The chemical interest of the problem was also great, as the work would bring out certain results of fundamental interest in Cellulose Chemistry.

The water hyacinth, the other natural product of the province, for destruction of which the Government and the people were so anxious, was found to yield good results. The method adopted by Prof. Sen differed from that followed previously.

A large number of distinguished gentlemen took part in the discussion that followed, amongst whom were noticed Dr. Chunilal Bose, Dr. P. Neyogi, Dr. Pandya of the Agra University, Dr. A. C. Sarkar, Dr. N. N. Goswami, Dr. J. K. Choudhuri of Dacca, Mr. J. N. Dutta of Sylhet and others.

Dr. Panchanan Neyogi asked if the collection of water hyacinth would be feasible to which the author replied in the affirmative from certain statistics both local and foreign. He emphasised however, upon the need for careful organisation. Dr. Sarkar also expressed a similar view.

President Bhatnagar in his closing remarks said that it was a proud privilege to preside over the Calcutta sitting, as Calcutta might be called the cradle of chemical investigation, of which Sir P. C. Ray was the presiding nurse. He came not to preside, but to carry inspiration home. He thanked the members for their courtesy and consideration, and assured them all that his feeling of obligation was deep. He thanked the members once again and declared the session of the section over.

### Calcutta Session Concluded.

The fifteenth session of the Indian Science Congress concluded on the 7TH JANUARY. The Congress opened on Monday and continued its sittings till this afternoon.

In the section of Chemistry alone, more than 140 papers of high technical value were read and discussed. Calcutta contributed a large number of them, with Madras and Bombay coming second.

The section of Mathematics and Physics, presided over by Dr. Hunter contributed 81 papers. Allahabad and Calcutta submitted more papers than any other centre in this section.

The section of Psychology attracted about 23 papers. Dr. Michael P. West presided.

The section of Agriculture, presided over by Rao Saheb Venkataraman, attracted 34 papers, as compared with the very meagre number in the first session of the Congress.

44 papers were submitted in the Zoology section of the Congress, presided over by Dr. Sundar Raj. Allahabad contributed more papers in this branch than any other single place, with Calcutta as the second best.

Mysore and Southern India and the Punjab submitted a large number of papers in the Botany section.

Dr. B. S. Guha, formerly of the Calcutta University and at present of the Geological Survey of India, presided over the section of Anthropology,

which attracted more than 50 papers. Mr. S. S. Metha of Bombay read an interesting paper on "Indian and Roman marriage ceremonies compared."

Thirty six papers were read in the Geology section, many of which contributed much to this branch of Science and greatly added to the possibility of industrial expansion and commercial development. A paper on the iron resources of Mandi State by Dr. S. K. Roy was read by Mr. Maitra.

It may be mentioned in this connection that the contribution of the Geological section of the Science Congress was considerable. In this connection the remark of Dr. Fermor of the Geological Survey of India may be mentioned, who stated that so long the popular idea was that it was only the Geological Survey of India who contributed to the sum total of geological research and advancement, but it was now seen from the number of papers read during this session, that people other than those connected with the Survey had no small share in the development of the science.

In rising to offer a vote of thanks to the chair, Prof. K. K. Mathur, of the Benares Hindu University, said that thanks were due to the President Prof. H. S. Das Gupta, not only for making the present meeting a success, but also for the manner in which he had worked for the advancement of Geology in India. The Congress then came to an end.

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## The Indian Economic Conference.

The eleventh session of the Indian Economic Conference commenced at the Lucknow University Hall under the presidentship of Mr. M. H. Darling on the 3rd January, 1928 and continued till the next two days. Dr. CAMERON, Chairman, Reception Committee, in a speech showed the dangers of over-simplification in a science which dealt with human life, and ironically alluded to that objectionable monster, the economic man, and all the soulless doctrines against which Carlyle and Ruskin vigorously protested. At Lucknow the Professor of Economics, he said, had taken up a very decided line in endeavouring to keep her teaching of the subject in closest contact with the real world, while the Post Graduate students were engaged in regional surveys in the villages of Oudh and were accumulating material that might be useful.

### Agricultural Position.

The Hon'ble Rai Rajeswar Bali, Minister of Education opened the Conference with a long speech in the course of which he examined the agricultural position of the United Provinces. The introduction of a crop like wheat by canal irrigation into wide areas where it was unfamiliar had been perhaps the most phenomenal agricultural improvement in the whole of India. They were also not unfamiliar with the deterioration of farming methods and practices which an excessive use of canal water had brought about. He hoped that before long there would develop at the Lucknow University a really efficient school of Indian agricultural economics under the control of Dr. Mukerjee. He pointed out the difficulties of consolidation schemes, which did not take into account the present system of rotation on different areas in the village and also touched on the gravity of the cattle problem. In the end he deplored the conflict between the modern ideal of economic efficiency and India's cherished social values and ideals, and emphasised that economic activity must be brought before the August tribunal of supreme values, the true, the good and the beautiful.

### Economics and Ethics.

Mr. M. H. DARLING in his presidential speech discussed the relations of economics with ethics and sociology and constantly referred to his wide personal

knowledge of the economic life of the Punjab peasantry. He explained how the leading religions could not ignore vital economic issues and illustrated how monotheism in Islam had not opposed the idea that "where is water, there is God," and how the injunctions as regards the irreligiousness of charging interest had not been scrupulously followed by the Punjabi Mahomedans. The Hindus similarly no longer maintained disabled and useless cattle on religious grounds, while the Sikhs were also changing their outlook, for example, towards birth control. In the end he suggested that the gospel of sufficiency and service should be preached to the peasant and sufficiency should include food, cleanliness, health, education and a more abundant life.

#### Co-operative Marketing.

Dr. H. SINHA in an interesting paper on co-operative marketing showed how the small holding and poverty of the cultivator necessitated a large number of middleman. Corrupt weighing, malpractices on account of different measures of weight, as also arbitrary deductions are quite common. He also examined the difficulties of co-operative sale for cotton and jute in India, and included by emphasising the need of local investigation into marketing conditions especially in regions where commercial crops are important.

#### Long Term Mortgage.

Dr. J. C. SINHA, Dacca University, in his paper pleaded for long term mortgage credit for peasants on a co-operative basis. This might be run, he urged, as a separate department of Central Banks as the advantages of efficient management would outweigh the disadvantages.

#### Elasticity of Funds.

Mr. P. N. BANERJEE, Calcutta University, also dwelt upon the importance of elasticity of funds and proper facilities of long term credit for the cultivator. He alluded to the Irish Agriculture Credit Co-operative, which seeks to mobilise credit for use among the peasantry and also suggested the inclusion of a provision giving facilities for long term credit to co-operative organisations in the Reserve Bank Bill.

#### Compulsion in Rural Areas.

Mr. S. Kesava IYENGAR, Nizam's College, pleaded for compulsion in rural areas to deal with the problems of health, construction and repairs of roads, maintenance of tanks and well for irrigation etc. and referred to the provisions of the Mysore Village Panchayet Regulation in this connection.

#### Agricultural Problems.

The SECOND DAY of the conference was devoted to the problems of agriculture. Dr. Radhakamal MUKERJEE showed by an examination of agricultural statistics that the canals in the Upper Ganges Valley could hardly withstand the effects of a bad monsoon. In the more recent famine years there was a sudden shrinkage of areas irrigated from wells below the normal and instead of an expansion of canal irrigated areas there was rather an opposite tendency. The canals in years of normal rainfall had to serve such wide cultivated areas that it was impossible during drought to provide an adequate supply of water. The decreasing resistance which irrigation works now offer against the fluctuations of rainfall supports the fear that some of the world's greatest engineering schemes have brought about a prosperity phenomenal no doubt, but exhibiting to some extent the nature of the mushroom growth under unfavourable natural conditions. Dr. Mukerjee showed the precariousness of agriculture by classifying the districts and comparing them with the percentages of irrigated area. He grouped the semi-protected districts of the province in a black list so far as liability to famines is concerned in the following manner; Agra, Muttra, Farrukhabad, Etah, Jhansi, Aligarh, Etawah. All these districts had exhibited declining conditions and lost in numbers as revealed by the censuses.

#### Double Cropping.

Mr. B. N. GANGULI, Dacca University, showed that double cropping and a high density of population co-exist and explained how soil, canal or well irriga-

tion governed a more intensive farming in different areas of the Gangetic Plain. The tendency to resort to more elaborate double cropping was really a sign of agricultural property, and acts as a safety valve under the pressure of an excessive population.

#### Demonstration Farms.

Mr. Bhatnagar, Allahabad University, pleaded for a net work of demonstration farms in the villages and a careful local examination of farm practices and methods for the improvement of agriculture.

#### Social Economics.

On the THIRD DAY'S sitting the scope of social economics and farms of social insurance were discussed. The Rev. James Kellock, Bombay, examined the necessity of bringing economics into close touch with ethical ideals, and suggested the consideration of economic factors of amelioration as the scope of social economics.

Mr. K. B. Madhava, Mysore University, examined the various forms of social insurance in vogue in Germany and England and pleaded for the creation of a separate department like the Government Actuary's Department.

#### Group Insurance.

Mr. D. P. Mukerjee, Lucknow University, pleaded for group insurance among the Indian masses utilising the caste, punchayet and other community organisations. He stressed that the community spirit was very much alive and might be utilised in forms of insurance experts to support his contention.

#### Central Banking.

The proceedings closed in the afternoon. Principal Findlay SHIRRAS read a paper on the fundamental principles of a Central Bank with special reference to the proposed Reserve Bank of India. Prof. Shirras made it clear, at the outset, that he wished to discuss the question from a purely scientific spirit because, in his opinion, discussion on the reserve bank had hitherto been unnecessarily complicated by importing political considerations. He enumerated ten principles which he considered essential for central bank, the chief of which were, (1) sole power of note issue, (2) liquidating of resources, (3) freedom from Government and political influences, (4) rediscounting facilities, and (5) concentration of gold reserves. Referring to the question of gold reserves he suggested that not only should there be a reserve for note issue, but there should be a reserve for deposits also, as was the practice in the Federal Reserve Bank.

A lively discussion followed Prof. Shirras' speech, in which Principal Tannon of Bombay, Prof. Duraiswami Aiyar of Madras, Mr. B. T. Thakur of Lucknow, Dr. Banerjee of Calcutta and Dr. Sinha of Dacca all took part.

The consensus of opinion was that a Reserve Bank was absolutely necessary in the economic interests of India and that it should be free from political and state interference.

Mr. THAKUR was emphatically in favour of a shareholders' bank on economic grounds, the chief of which continuity of policy and creation of a live interest in the electorate. An important safeguard suggested by him was the constitution of two classes of shares, one for Indians and the other for non-Indians without the right of transfer.

Prof. Batheja said that the importance and urgency of the Reserve Bank was so great that there was no occasion for a war of words. It was possible to arrive at a satisfactory constitution, both under the State Bank and shareholders' scheme, eliminating the undesirable features which were at present associated with either scheme.

After this the Conference came to an end. Prof. Kale of Poona was elected President of the Economic Association for the current year. It was decided to hold the next session of the Conference at Mysore.

# The Women's Educational Conference.

Amidst impressive scenes the All-India Women's Conference on Educational Reform opened at the Royal Cinema Hall, New Delhi on the 7TH FEBRUARY 1928. A large gathering of distinguished ladies and gentlemen was present.

On arrival H. E. Lady Irwin was received by Mrs. Das, Chairman of the Reception Committee, who presented the members of the Standing Committee of the Conference to her. Her Excellency, accompanied by the Begum Mother of Bhopal, then proceeded to the dais, and was accorded a rousing ovation by the ladies assembled.

The hall presented a picturesque scene. Special arrangements had been made in the gallery for purdah ladies. About 150 delegates from all parties of the country attended.

The visitors included Sir John Simon, Lord Burnham, Mrs. Naida, the Princess of Baroda, the Rani of Mandi, Mrs. K. C. Roy, Mrs. Coatman, Mr. Chatterjee, Mrs. Sarla Devi Choudhrani, Mrs. Nehru, Sir Mahomed Habibullah, Mr. S. R. Das, Mr. Stow, Sir Saakaran Nair, Prince Akram Hussain, Sir Ahdul Qayum, Nawab Mehr Shah, Sir Zulfiqar Ali Khan, Mr. Khaparde, Raja Sir Rampal Singh, Sir Phiroze Sethna, Col. Gidney, Mr. Harhila Sarda, Mr. Kunzru, Mr. Fazal Rahimtulla and Raja Ghaznafarali Khan.

Lady Irwin was profusely garlanded by Mrs. S. R. Das. The proceedings commenced with prayers from the Vedas, the Bible and the Koran welcoming Her Excellency and delegates.

## The Welcome Address.

Mrs. S. R. Das, welcoming the delegates on behalf of the Reception Committee said :—

At the outset I must apologise to you for the many shortcomings in our arrangements for your comfort. Delhi is a place of distances and some of us reside in the Old City and some six miles away in New Delhi. Our resources are also limited, but I can assure you we have spared no pains to make your sojourn amid us as happy and comfortable as possible. We are grateful to you, sister delegates, for the long journeys you have undertaken to help us to make the Conference a success. It is a good augury for the future of women's education that so many ladies, even purdah ladies, are showing such keen interest that the discomfort of travelling long distances has not detained them from being present to-day. I am sure in the interest you are taking in the objects of the Conference you will overlook the discomforts you may be put to by the mistakes in our arrangements. It is not necessary for me to make any elaborate mention of places of interest, both historical and modern, to be seen in Delhi. Arrangements have been made for you to see some of the sites of Delhi both old and new; and I trust that that pleasure will be some compensation for all your troubles.

We are very grateful to Her Excellency Lady Irwin for so graciously consenting in spite of her numerous engagements to open the Conference to-day. Her presence here is a source of great encouragement to us. We hope to hear from her message what woman can do for her country and what part a woman can play in bringing up her sons to right ideas of citizenship and in bringing up the daughters as capable mothers and companions to their husbands. We are peculiarly fortunate in having Her Highness the Begum Mother of Bhopal to preside over our deliberations. She has taken a lifelong interest in education; and to-day she is at the head of one of the important universities in India. She is the only woman who is the Chancellor of an Indian University. In her own beautiful city of Bhopal, she has founded schools for the education of girls, where you will find the very latest methods employed. We are confident that under her wise and able guidance we shall achieve success in our deliberations.

Delhi has never seen such a gathering of women from all parts of India interested in their educational needs. The ancient and historic city of Delhi where they are meeting and which has been the capital of both Hindu and Mahomedan Kingdoms will serve to remind us, in our march towards progress, of our traditional culture, which must always be the foundation on which further progress must be based. The appalling illiteracy now among our women is partly due to the lack of facilities and partly to the apathy of parents. This apathy is however gradually disappearing. A very general desire on the part of parents to educate their girls is now clearly discernible. This is just the time for us to meet and decide upon the kind of education which should be imparted to our girls. A few years hence, when parents have become accustomed to their girls being educated on the same lines as their boys it might be too late to persuade them to follow a course of study more suitable for girls. We are at the parting of the ways, when we must take steps to steer in the right direction of our girls. I hope and pray that this Conference

which has brought together the women of all castes and creeds, will help towards the unity of India. Many speakers will deal with the different questions which will arise for our decision and we are all anxious to hear Her Excellency Lady Irwin. On behalf of the Reception Committee once again I offer Your Excellency a hearty welcome.

Mrs. Kamaladevi Chattopadhyay then read messages from the Maharanis of Baroda and Sangli. The former drew attention to the legislation that had been passed in Kashmir and Baroda whereby the marriageable age for girls had been fixed at 15, and she hoped other parts of India would follow the example set by the two States.

### The Secretary's Report.

The Honorary Secretary then read the report for 1927-28. During the period under review the Conference, she reported, had come to be a force and a power, and had revived women's whole consciousness and given womanhood a status of its own. The modern system of education seemed something which was quite apart from the real and intimate life of the students and particularly girls. It seemed to ill-fit them for either domestic or public work. As a result of Mrs. M. Cousins' labours, 22 constituent Conferences were held all over the country. Various resolutions of immense importance were passed, and a memorandum of women's demands formulated. The Conference had defined Education as the training which would enable the child or individual to develop his or her latent capacities to their fullest extent for the service of humanity. It laid great stress on the necessity of placing before the students high ideals of social service, with a spiritual atmosphere as the back ground. It demanded compulsory primary education, and the introduction of physical training and the promotion of spiritual culture in schools in addition to mental. The Conference also sought to widen the scope of the university courses by introducing fine arts, social science, advanced domestic science, journalism and architecture. They were quite convinced that if they were to lay a really strong foundation and bring about an appreciable change in the whole system of education, women must begin to get greater representation on all educational and local bodies that controlled education, as also on administrative bodies. One of the main activities the Conference undertook was to secure support for the Child Marriage Bill, both now pending before the Legislative Assembly. Signatures in favour of the bills had been collected and Gjerstad alone contributed nearly ten thousand.

The Rani of Mandi after enlisting the service of Lady Irwin in the cause of the welfare of Indian women, requested her to open the Conference.

### Lady Irwin's Speech.

Lady Irwin, declaring the Conference open, spoke as follows :—

I deem it an honour to have been asked to-day to open this great Conference, the second of its kind to be held in India, and I hope a forerunner of many more in the years to come. Its very existence is a sign that India is now (as she is doing in so many other spheres) also taking her part in the great world movement for the advancement of women's education.

A decade or so ago, the Government of India took into their serious consideration the education of girls, and in a resolution then issued they commented upon the lack of zeal for girls' education and the need for the co-operation of women. This Conference, commanding as it does a widespread influence and numbering among its supporters members from all parts of this country, is only one of the many indications that the co-operation of women in the work of educating the girls in India, has not been sought by the Government in vain. It is essential, if we are to accomplish results in this field of education, that we should see very clearly what we desire to do; and for this purpose we must keep constantly before our eyes what we conceive to be the test and goal of real education.

### True Aim of Education.

There are plenty of people in the world to-day who, with most praiseworthy motives, are tempted to confound education with the mere acquisition of a certain amount of knowledge, and to pursue information as such for its own sake, forgetting that, valuable as information is, it is only a means to an end which is wider and deeper than itself. Literacy is valuable. We rightly desire to pursue knowledge, but all these things are at best of little worth unless they are brought into the service of human life and character. This must be the real goal of educational effort, and since therefore the purpose of education, in its truest sense, is not only the acquirement of knowledge, but the training of character, mind and body as an equipment for the great school of life, women must essentially be given a training which will help them to be an influence for good and beauty in their homes and in the wide sphere which their personality may reach.

I have already realised, in my short time in India, how deep and far-reaching is the influence of women. They are the repository of tradition; and long may they continue to be so. They must not be blind leaders of the blind, but the bringers of light, of courage and of hope, and it is their work to wed what is best of the old to what is best of the new. I feel sure that our object should be to give an education which will make woman more useful and happier in her home, and not one that will drive her out of it.

To the mothers in India, perhaps, even more than in some other countries, is left the forming of their children's character, particularly during those early years, when the mind is open to deep and lasting impressions. What must be the effect upon the child, boy, or girl, of a mother who is not even literate?

It is distressing to discover the high proportion of girls who learn to read and write at school, but who at an immature age are claimed by domestic duties or early marriage, before they are sufficiently proficient even to retain the elementary knowledge that they have acquired. I do not know whether something might be done to encourage girls on leaving school to keep up their reading and to learn to love it for the sake of the new world which it opens out to them by providing them with something really attractive to read. I am told there are in India few books of the sort which would serve this purpose. If this is so, there is surely much to be done in encouraging the production of really good and readable books which would fill this great want.

#### Importance of Teachers' Role.

Next to the mothers, teachers are, in a sense, the makers of the country. They are the missionaries of civilization, laying the foundations without which no politician or statesman can rear any permanent structure. I am told by everybody that one of the greatest needs in India is a continuous supply of suitable and trained women-teachers. To me, it would seem that the training and supply of teachers are at the very root of the whole problem. They are wanted for the education of girls during the whole of their period of study, and they are wanted as teachers of the young children of both sexes. I am convinced that women make better teachers of the young than men. They have greater patience and greater sympathy; and as co-education among little children in small areas increases. I would hope that the ideal to be aimed at eventually might be that women-teachers should have them in their care. But our difficulties will be increased rather than lessened, unless we are able to get teachers of the right type. We need women not only with knowledge, but with vision, and with a capacity for self-sacrifice, and a high sense of the great responsibility that is theirs. Here again it is personality that counts; for education is largely the play of the mind moulding character in that insensible process, of which, perhaps, most of us have been at some time in our own lives dimly conscious. The finest teacher I have known have been those who look upon their profession as a vocation, who love the children they teach, and count it a privilege to train them for future citizenship. I know this is a high ideal; but we cannot afford to be satisfied with anything but best in those who are to mould the minds of the rising generation. I know too that the difficulties in persuading the type of women we need to come forward for training are immense, but I feel not the less certain that there is much that can be done to achieve this end. The furtherance of education for women is a great constructive work: for it means nothing less than an attempt to build the City of God in the homes of this country. It is the noblest concern of women, nobler even than the great profession of medicine, since it ministers to the heart and mind and not only to the body. Why is the profession of education despised from women of good birth? We must all resolve that such a stigma on so noble a profession should be lifted, and that we will each do our share by all the means in our power, to change public opinion in this vital matter.

In regard to this question of teachers, one of the most difficult sides to the problem of course, is the supply of suitable teachers in the villages. Yet, in this country where the population is mainly rural, it is a problem which must be faced and surmounted before any real progress can be made. There are practical difficulties, their loneliness and lack of suitable lodgings on the teachers' side; and on the girls' side the difficulty of getting them to school in the country districts when they live at a distance from the school-building. And though it is difficult to see our way clearly to their solution, we can be in no doubt as to the main principles by which our efforts should be governed. Some very valuable work is going forward in this matter of rural education in Gurgaon District. Among other activities, a School of Domestic Economy is training women to teach all sorts of domestic subjects to girls. The great value of this work, in my opinion, is the predominating aim to bring education into line with the real needs of the country, and to create in the minds of the village inhabitants a desire for the education of the womenfolk.

The obstacles in the way of women's education in this country are enormous : difficulties of language, poverty, ignorance, apathy, hostile public opinion, social customs and even politics. But women, the world-over, are famed for their patience, their dogged courage in the face of daily adversities. If we keep a stout heart and are determined to go forward steadily, I am convinced that we shall in due time overcome all our present troubles, and win through them to our goal. In one respect India is favoured. Other countries have been pioneers, and have made mistakes by which India, if she is wise, may profit. They have been slow to recognise the necessity for differentiating between education of boys and girls. It is of course true that they both have to live in the same world and that they both have to share it between them ; but their functions in it are largely different. In many countries to-day, we see girls' education developing on lines which are a slavish imitation of boys' education. It is surely inappropriate that a curriculum for girls should be decided by the necessity of studying for a certain examination so that it must perforce exclude many if not most of the subjects we would most wish girls to learn. If public opinion, for example, demands that Matriculation should always be the first test of excellence of a high school education, schools will necessarily be framed to meet that demand. The result will be, as I suggested, to drive us into a uniformity that fails to take account of the distinctive necessities of women. We must, therefore, as I see it, do all in our power to set a different standard, and to create a desire in the public which will allow girls or at any rate a greater number of girls to develop on other lines. What I feel we should aim to give them is a practical knowledge of domestic subjects and the laws of health, which will enable them to fulfil one side of their duties as wives and mothers, reinforced by a study of those subjects which will help most to widen their interests and outlook. I would like therefore to urge all of you here to-day to bring all your influence and efforts to bear on the accomplishment of that end. I speak with diffidence, to an audience of experts ; and I have not attempted to speak of the social conditions which have so much influence on this vast question. In the time at my command, I can only touch one or two points at most. I have endeavoured to confine myself to what seem to me of immediate and practical importance. There is one thing in conclusion, as to which you will no doubt agree with me in regard to this or any other Conference ; and that is the necessity of keeping before our eyes the object of making constructive suggestions and not merely passing general resolutions however unimpeachable. An English playwright once reminded his audience of the importance of being earnest. I would hope that this Conference may not lose sight of the importance of being practical. If from each of these annual Conferences a constructive body of thought and of concrete suggestions emerge, not merely theories but sober, well thought-out, practical schemes dealing with the most urgent needs of women's educational world, then we shall not only feel ourselves that the Conference is worth while, but we shall justify ourselves in the eyes of the somewhat critical world. I think there is a real opportunity which this Conference may seize, of making itself the accepted mouthpiece of unofficial opinion on the subject with which it deals. It would be of immenso value if this annual Conference came to be regarded by the Government and by the country alike as the one central authoritative body to which they could turn for guidance and advice in any matters affecting the education of women and girls. I need not assure you of my desire to lend any help that I may, for such a purpose.

### Mrs. Naidu's Speech.

In proposing a vote of thanks to Lady Irwin, Mrs. Naidu gratefully acknowledged the illuminating words of Her Excellency which, she said, should be the keynote of their aims and ideals. Amidst loud applause, Mrs. Naidu declared that the East and West had met to-day in the kinship of women, that indivisible sisterhood. India, she said, was the home of Lakshmi, Saraswati and Parvati, and did not consist of Hindn ideals only, but of ideals of all the nationalities who had come into contact in this land. She strongly repudiated the charge that India consisted of narrow ideals.

### The Bhopal Begum-Mother's Address.

Presiding over the Conference, Her Highness the Begum-Mother of Bhopal hoped the Conference would be an inspiring power, and would serve us a model of unity and co-operation. Touching children's education, she contended it was the mother's lap that provided the first and best school of education ; for the chief objective of their conference was to bring about reforms in female education, and to remove the various drawbacks and deficiencies inherent in the system. The main cause of the present unsatisfactory condition of female education was that up till now whatever had been done for the education of women had been done by men ; and they could not fully realise their needs or look at



them from the same viewpoint as women themselves could. The obstacles in their way were many. On the one hand poverty of the people of India and their prejudice stood in the way of a proper settlement; on the other there were old and antiquated customs sanctified by religion, which retarded educational progress.

Proceeding, Her Highness deplored the fact that in India the income per head was Rs. 2-8-0 per month. However, it was their lack of interest and sometimes their opposition that had prevented the Government from paying due attention to the education of women of India. That accounted for the backwardness of girls in education in comparison with boys, and for the fact that the ratio of education between women and men was hardly 5 to 100. The remedy for poverty lay in the enlargement of their sources of income; but they should also cut down unnecessary items of their expenditure, and revert to the plain living of olden times.

The speaker vehemently denounced the evil of early marriage, which resulted in rapid disease and mortality, fall in the average length of life, poor physique of children and in physical and intellectual degeneration. She averred that the people had themselves come to realise the evil effects of the customs and she thought Government would not be wrong in finding out proper means of dealing with it in the way that would satisfy all of them.

Adverting to the Purdah system, the President remarked that there could be no denying the fact that the present strictness of purdah among the Mussalmans did not form part of their religious obligations. It was based on purely local considerations, and was not as strict as in other Islamic countries. If the system were remodelled, according to local peculiarities and placed on a reasonable footing most of the evil effects which it had on female education would disappear.

Turning to the syllabus for the education of girls Her Highness suggested that the curriculum should embody the peculiar needs and requirements of women. Women's education should be such as may enable her, among other things, to help man in his struggles, to comfort him in his troubles and to create a happy home. Continuing, the speaker declared that fine arts and physical and spiritual training should not be excluded from the curriculum. For, so long as separate universities for women are not set up, the national universities ought to take up these questions, and do something to improve the situation.

The next great problem was the supply of efficient teachers to impart good education. There should be good teachers from the very beginning, and those who wanted to see the standard of their children's education raised should try to improve the lot of their teachers.

Concluding, the President appealed to all ladies to realise the poverty and helplessness of their country, and to contribute their quota of help in the advancement of education. They could easily devote some of their spare time to teaching girls in their neighbourhood. In this way the difficulty about teachers could be greatly relieved.

She reiterated Lady Irwin's advice that practical efforts were essential to the achievement of their objects. She complained that most of the meetings and conferences in India did not go beyond mere expression of pious hopes. There were interesting discussions and passing of some very fine resolutions; but there the whole thing came to an end, and that in fact was one of the reasons that female education in India was still in its preliminary stage.

### Resolutions Passed.

On the 8TH FEBRUARY the Conference passed a number of resolutions deploring the effect of early marriage on education and emphatically condemning the custom of allowing immature boys and girls to become parents.

It called upon the Central Government and the Provincial Legislatures to follow the precedent set by several Indian States in raising the legal age of marriage.

The meeting also demanded that the legal age of marriage for girls and boys be made 16 and 21, respectively. While welcoming Mr. Harbilas Sarda's attempt to pass legislation prohibiting early marriage, the Conference strongly protested against his proposed ages of 12 and 15, and called upon him and the select committee to amend his bill in conformity with their resolution.

Opinion was also recorded that girls' schools should be inspected by women who had both general and technical qualifications.

### Demand for Compulsory Primary Education.

On the 9TH FEBRUARY the backwardness of women in education formed the main topic of discussion. The most important resolution carried to-day held

that compulsory primary education was essential for girls, and urged upon the Government and the local bodies to make the necessary financial provision for this purpose, and to make special grants for Moslem and other girls, who suffered from the disability of purdah.

The Conference recognised the imperative need for the establishment of a greater number of training schools for teachers, and urged upon the Government to take immediate steps to start such schools.

It was pointed out that as far as possible, women-teachers should be engaged in the primary stage of education both for boys and girls, which should in fact be wholly the concern of women-teachers.

The Conference recommended that an All-India fund for the promotion of women's education be established and appointed a sub-committee to collect funds and to submit a scheme for its administration to the Standing Committee.

On the 10TH FEBRUARY after the adoption of eight more resolutions and the election of office-bearers, the Conference concluded its session. The Conference also appointed four sub-committees to carry on the work of the conference during the year.

#### Representation of Women on Legislatures.

Mrs. Cousins (Madras) introduced a resolution urging the Government to nominate at least two women to the Central Legislature to protect the interests of women, especially in regard to the pending legislation on Child Marriage and Devadasi children. Mrs. Cousins pointed out that the need for such legislation was keenly felt by the delegates when they listened to the discussion on Sir Hari Singh Gour's Age of Consent Bill in the Assembly.

Mrs. Saraladevi Mehta (Bombay) supported the resolution, remarking that women were not content with cradles only, but that they really wanted to rule the world.

Mrs. Rustomji (Hyderabad), who was one of those who represented the women's case before the Muddiman Committee, declared that women were absolutely necessary in the legislatures to safeguard their interests.

The conference then resolved to send a representative to Honolulu to attend the Pan-Pacific Women's Conference, for which an urgent invitation had been received. Mrs. Sarojini Naidu's name was suggested and finally accepted.

Mrs. Das (Bihar) next proposed that women be given adequate representation on all educational boards which controlled primary, secondary and university education, and on all text-book committees. The motion was accepted. A desire was expressed to utilise cinema films for educational purposes in schools, especially in rural areas, and the conference passed a resolution to that effect.

#### Agricultural Education.

The motion which raised a good deal of controversy and discussion was the one dealing with agricultural education, and which was proposed by Mrs. Saraladevi Choudhrani (Bengal). It advocated the introduction of teaching of agricultural subjects in schools, colleges and training colleges, the institution of scholarships for girls and the appointment of women agricultural officers and demonstrators.

The opposition was led by Mrs. Mayadas (United Provinces). After much discussion, an amendment proposed by Mrs. Bhatvadekar (Central Provinces) was passed. The amended resolution suggested the introduction of agriculture as a compulsory subject in rural schools and as an optional subject in cities.

Mrs. Besant, addressing the Conference, declared that it had been one of the most hopeful signs for India that her daughters were taking an active part in public affairs. Women had now equal franchise with men in India, and India was one of those countries where the opinion of women was taken into consideration, and reverence for women was inculcated. She contended that the voice of Indian womanhood was of supreme importance for the welfare of the world. Woman, she said, saw far more than man, and was more practical than him.

After a few closing remarks by the President, the Conference came to an end

# The Bengal Chamber of Commerce.

The annual meeting of the Bengal Chamber of Commerce was held at Calcutta on the 24th February 1928 in the rooms of the Chamber, Mr. B. E. G. Eddis presiding.

After the annual report and the audited accounts for the past year had been adopted, the President in course of a lengthy speech said among other things:—

A beginning has already been made with a view to the representation of the opinions of the commercial community on the important issues which the Simon Commission has been appointed to investigate, and this will certainly be one of the most important subjects requiring the consideration of the Chamber during the coming year. It is to be hoped that one of the results of the evidence laid before the Commission will be to convince them of the necessity for a revision in favour of Bengal, of the terms of the Meston Settlement.

Just as it should be the policy of the Chambers of Commerce to confine themselves to matters pertaining to commerce and industry, so in my opinion it should be the policy of legislatures to confine themselves to the making of laws and to politics. Unfortunately the Indian legislatures now to their work, are not content to observe this principle, as is obvious from their attitude towards the Reserve Bank Bill. The Reserve Bank Bill, if and when it is established, should be kept outside politics altogether, but there is a very definite opinion on the part of Indian politicians that it is right and proper for the legislature as such to be directly concerned with the direction and control of the Bank and its functions, with the result that India has for the present lost her opportunity of getting the Central Bank which she needs for the better control of currency and credit. So far as the principle of a Reserve Bank is concerned, the Chamber is in agreement with the recommendation of the Currency Commission but is firmly convinced that the Bank must not in any way be subject to political control; the terms of the second Bill were such that it seemed more than possible that the politicians might be able to gain control.

We are likely to have fresh income-tax troubles to face in near future, for I see that the Assembly has passed the Income-Tax Amendment Bill containing several clauses to which, as is explained in the report, this Chamber took strong exception. The other Bill, the Second Amendment Bill—has been referred to a Select Committee.

As you know, there has been considerable discussion on the fact that, "Roads and Bridges" being a provincial subject, the Government of India are not contributing to the cost of the bridge. There is, however, one direction in which I venture to think that they could, and should, assist the project. I do not know to what extent, when the bridge comes to be built, the steel used will be of Indian manufacture, and to what extent it will be imported. So much of it as is imported will, if it is fabricated, be subject to an import duty of 17 per cent. if it is of British manufacture, and of 17 per cent. plus 15 per cent if non-British manufacture. To the extent that the steel used is of Indian manufacture, the price will naturally be adjusted so as to be only a little lower than that of the imported material: in effect therefore the position will be much the same as if the whole of the material were imported in a fabricated state, namely, that the bridge will

be burdened with a very heavy charge on account of this duty. In view of the fact that the Government of India do not seem to think that it is possible for them to make a direct contribution towards the cost of a project that is far from concerning only Calcutta and Howrah, or even Bengal, it seems to me that there is a strong case for consideration of the whole position and for a special exemption, from duty, being allowed in the case of all material required for the bridge; I go even further, and consider that, so far as the steel used is of Indian manufacture, a special grant-in-aid should be made by the Government of India to compensate for the higher rate that the Indian manufacturer is able to charge by reasons of the imposition of the duty.

In course of his remarks on traffic control in Calcutta the speaker referred to the "almost intolerable noise that has of late become such a never ending feature of life in Calcutta. For that, motor traffic is almost entirely to blame, although we do also hate to put up with a good deal of unnecessary and disturbing noise from street hawkers such as those who sell race programmes and race tips: but at worst they are only occasional whereas horn nuisance is always with us, and does not tend to get any less. If any person is in any doubt as to who are the chief offenders, let him be about in Clive Street any evening after the withdrawal of the traffic police, and see the endless promenade of empty taxis parading in both directions, every one contributing to the incessant din. But it is not only in the business quarters of the city that the taxi nuisance asserts itself: it is now prevalent to such an extent in the residential parts of the city as seriously to menace the comfort and peace of mind of the citizens. There is a growing feeling that the evil demands the urgent attention of the authorities and that the most energetic steps are required to suppress it once and for all. We have sometimes seen a temporary improvement as a result of public complaints, but before long the position has again become as bad as it ever was and the people of this city are entitled to demand that their comfort and convenience should not be as they now are, at the mercy of a small and entirely inconsiderate section of the community. Surely at any rate something might be done at once to insist on the use of a less blatant type of motor horn."

Sir Alexander Murray proposed a vote of thanks to the outgoing President, who in reply thanked him.

#### The New President.

Sir George Godfrey then thanked the Chamber for electing him as the President of the current year and in doing so he said:—

"I shall have to face difficult problems connected with the future of India and this Chamber will have to have a keen and careful watch on the change of political developments. As a Chamber we have to watch those for large commercial interests which may become involved and which may even be threatened. We can always see the threatening of some of them at the present moment. The duty of this Chamber is to build up and construct the new constitution and to take part on the political side. We must be prepared and be ready with our ideas and be able to put them forward when called upon to do so and outside the Chamber there is no reason why one and all will not take part in assisting the creation of some stable future for this country."

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# The Indian Chamber of Commerce.

The Second Annual General Meeting of the Indian Chamber of Commerce, Calcutta was held on the 18th February 1928 at 4-30 p.m. under the Presidency of Mr. D. P. Khaitan in the office of the Chamber, at 135, Canning Street, Calcutta. There was a very large attendance. Among those present were :—Mr. Faizullahbhai Gangjee, Mr. Sheekissen Bhattar, Mr. Anandji Haridas, Mr. K. J. Purohit, Mr. A. D. M. dgaokar, Mr. Hahih Mahomed, Mr. E. P. Guzder, Mr. Raj Shekhar Bose, Mr. W. C. Banerjee, Mr. P. M. N. Mehta, Mr. R. Sitaram, Mr. N. L. Puri, Mr. G. L. Mehta, Mr. J. N. Ghosh, Mr. Rajam, Mr. C. S. Rangaswami, Mr. Kumar Krishna Kumar, Mr. N. Sen, Mr. A. D. Addy, Mr. Haji Abdul Razak Ahdnl Sattar, Mr. F. H. Achard, Mr. Sajjan Kumar Chowdhury, Mr. M. P. Gandhi, (Secretary).

## President's Speech.

Mr. Debi Prasad Khaitan in course of his presidential address, said :—

“1927 is a momentous year in the realm of finance—but not for India. A study of the tendencies and events of Indian trade and finance in the past year and of their underlying causes and inner forces in comparison with the tendencies and events of International trade and finance and their underlying ‘motifs’ will form the most poignant commentary of the painful fact that is, day in and day out, rubbed in into us—the fact, namely, that India is only a subordinate branch of the British administration, that we can have no rights apart from what suits British interests, no prerogatives except when graciously tolerated by the benign Secretary of State ; that, in a word, we are but hewers of wood and drawers of water in the much-vaunted British Commonwealth of Nations.”

Reviewing 1927 so far as India is concerned, he said :—The evil effects of unduly appreciated currency, as anticipated by those who have studied this intricate science, have unconsciously been felt by all concerned.

The monsoon was, on the whole, propitious and fairly free from any of its periodical vagaries ; but jute fetched poor prices and the farmers of Bengal could not obtain anything like a reasonable margin between the costs of agricultural operations and the selling price of jute—though jute mills have thriven during the period, cotton has brought no prosperity and the movement of the produce to foreign countries has been tardy and anaemic ; wheat has fared no better ; and the numberless tillers of land have had a very arduous year.

Secondly, money market appeared to be free from stringency but the principal Indian industries, like the cotton mill industry, were in “doldrums ;” Indian export and import merchants could make hardly any profits ; money was easy but credit restricted ; company liquidations went on merrily and not one new company of any importance was floated ; Indian joint stock banks show standstill conditions ; and there is an all-round lack of confidence

and of hope for the future which is the basis, and the indispensable preliminary condition, of a healthy trade activity.

Thirdly, India has maintained a stabilised international exchange but we saw the unusual spectacle of repeated deflations and consequent heavy-sized contractions of currency in the midst of the busy season at the end of 1926-27 and beginning of 1927-28; the overseas demand for our staple products has been delayed; the favourable trade balance, though slightly better than in 1926-27, is still very poor, so poor as to make the remittance programme of the Government a hazard; and stability of exchange has in no sense eliminated the feeling of uncertainty, the possibility of surprises and the upsetting of plans and calculations.

Fourthly, our national budget has been balanced but how many of the individual budgets for 1927 of Indian businessmen and Indian business-houses could claim to be balanced budgets; and the misery of unemployment is being widely felt.

Fifthly, we are told that the internal prices have been stabilised; external exchange has been stabilised; our currency and credit machinery is being reorganised; and we are rapidly advancing towards the ideal of India placed on a gold basis but what has been the actual record in regard to the essentials preliminary to the adoption of a Gold Standard.

Have we increased our gold assets? Is there any real addition to our stock of gold? In April 1926, we had the equivalent of Rs. 21 crores in sterling securities—by the end of the year our Government had dissipated 15½ crores of sterling securities. And by the middle of 1927, there was practically nothing of gold securities in Paper Currency Reserve. Towards the close of the year, however, some purchases have been made and the year ends with a small holding of sterling securities.

Roundabout March 1927, just over 2 millions worth of gold was bought for the Gold Standard Reserve; and we were asked to hope that this was the beginning of a wholesome policy of converting a portion of the securities of G. S. R. into gold. But as though ashamed of being discovered while doing so good a thing, the Government have reverted to the old policy and no more gold has been bought on account of our reserve in the remainder of the year. And yet this was a period in which the most significant feature of international finance was the free and large movements of gold.

We are told that "the Federal Reserve authorities look with favour on gold exports, being sympathetic to the restoration of the Gold Standard throughout the world and probably would continue to co-operate, as far as might be practical, with fresh efforts to stabilise on a gold basis." The Federal Reserve authorities are keen on helping those countries which are able and willing to establish themselves on a gold basis.

Is India the Cinderella of the family of nations aspiring to establish themselves on a gold basis?

It is necessary to obtain a definite answer to this question. Surely it cannot be that America, which is co-operating with all the countries trying to go on a gold basis, singles out India alone for the invidious distinction of ineligibility to make any purchases of gold. One can understand the anxiety of the Secretary of State to refrain from buying gold in London. The wrath of the Bank of England is such as would burn to ashes even the all-puissant Secretary of State.

If the position be that we cannot buy in London because it won't suit the Bank of England nor in New York because it won't suit its silver interests, then it is easy to realise the force of the remark with which I started my speech that a comparative study of Indian finance and its underlying forces with International finance would be the most eloquent commentary on the subordinate position which India occupies and on the way in which her interests are lightly brushed aside unless and until our mentors and masters are pleased to tolerate them.

The Reserve Bank Bill is dead and buried—unwept and unsung.

The first and foremost need, therefore, is that the Indian Government should buy gold—and keep buying gold at every suitable opportunity. And the plea that no such suitable opportunity has so far presented itself or may not present itself cannot hold any water. Such a plea if raised by the Government would be a sure token of the total absence of genuine solicitude for India's welfare and interests.

#### Government's Sermon : Mills Duty.

Another instance where the Government have all through the past 30 years and more shown a callous indifference to the interests of India's industrial welfare is the cotton mill industry. During the last four years, owing to the high exchange and owing to what may be described as world factors affecting the cotton mill industry, the Indian cotton mills have been passing through difficult times. They had finally to appeal to the Government for protective tariffs. They did not get protective tariffs; on the other hand, they got endless homilies and pompous sermons on the need of "setting one's own house in order." The Government cannot give any support and do not want to give it. They have, however, given us a powerful sermon on self-reliance. Let us take that sermon to heart, and let us develop a programme in which we can by our own strength re-establish the industry on a sound basis. The Indian cotton mills should join together and carry out an intensive and extensive propaganda with a view to bringing round the Indian consumer to buy only Indian cloth. Except for a brief period in the anti-partition days, no propaganda of any magnitude has been conducted on right lines or on an adequate scale to indicate "Swadeshi" in cloth. If all the Indian cotton mills join together, the financial aspect of this propaganda cannot present any difficulties. A central organisation will be able to study and appreciate the psychology of the Indian consumer: it should from that knowledge devise propaganda by pamphlets, lectures, posters, advertisements, articles in journals and papers etc.; it should chalk out a comprehensive programme and execute it with zeal.

The interests of India are to us, who are connected with Indian business, the sole consideration; the interests of India are, so it seems to me, to the Government of India a subsidiary consideration, as the Secretary of State and, through him, the powerful British commercial interests have always a strong say. It will be our duty to keep a careful watch—to ensure that India's interests are always kept in the forefront whether in the broader policies and principles or in their more detailed application.

The Annual Report of 1926-27 and the accounts were then put and carried unanimously.

Messrs. Battiloi & Co. were appointed the auditors for the ensuing year 1928-29.

## Committee for 1928-29.

The following members were then elected to form the Committee of the Chamber:—

President :—Mr. D. P. Khaitan.

Senior Vice-President :—Mr. Faizullahbhai Gangjee.

Vice-President :—Mr. Sheokissan Batter.

Members :—Mr. D. S. Erulkar (Transport); Mr. N. Rajabally (insurance); Mr. E. P. Guzder (Jute); Mr. G. D. Birla (Cotton); Mr. Kumar Krishna Kumar (Produce); Mr. A. L. Ojha (Coal); Mr. Anandji Haridas (Hardware); Mr. Raj Shekhar Bose (Drugs and Chemicals); Mr. N. L. Puri (Finance); Mr. K. J. Purohit; Mr. A. D. Madgaonkar; Mr. Habib Mahomed; Mr. Sajjan Kumar Chowdhury; Mr. R. L. Nopany; Mr. C. S. Rangaswami.

Mr. D. P. Khaitan, the President then unveiled a portrait of Mr. D. S. Erulkar, which was painted by Mr. Atul Bose of the London Academy.

With a vote of thanks to the President moved by Mr. C. S. Rangaswami the meeting dissolved.

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